

## Fitness to Study

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<b>Linked policies:</b>	<p>Non-Academic Disciplinary Policy &amp; Procedure</p> <p>Attendance and Engagement Policy</p> <p>Anti Bullying &amp; Anti-Harassment Policy</p> <p>Safeguarding and Prevent Policy</p> <p>Disability Policy</p>
<b>External references</b>	<p>The Office of the Independent Adjudicator (OIA)</p> <p>UK Quality Code UKSCQA/02 [May 2018] Expectations for Quality:</p> <p>The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.</p>
<b>Audience:</b>	Staff, Students, and the General Public.

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# 1 Introduction

The College recognises that the physical and mental health and well-being of its students is vital to their academic and personal development and success. The College is committed to ensuring that all students can study, achieve, and enjoy College life to the best of their ability, in a safe and supportive environment, which is conducive to their physical and mental well-being. This policy provides required information about what to do if there are any concerns raised about a student's fitness to study. This will enable the College to protect vulnerable students and ensure that the College environment is supportive to their needs, fosters dignity and respect for everyone and is free from discrimination, violence, harassment & bullying.

## 2 Purpose

The main purpose of this policy is to be supportive and not punitive to students if their physical or mental health appear to impact on their fitness to study. Certain concerns may be raised about a student's behaviour which indicate that the student is struggling to cope with their studies at the College and these may be detrimental to the student as well as those around them. This policy and its procedures set out what staff may do when faced with such situations.

## 3 Aims and Objectives

The College aims to work with and support students through any difficulties they face.

3.1.1 To create a culture that operates under the principles of support, care, transparency, and respect for equality and diversity.

## 4 Scope

The policy applies to any enrolled student at the College who displays behaviour or symptoms that raise questions about their fitness to study. This policy should be used when a student's behaviour gives significant cause for concern about their fitness to study and where use of the Student Disciplinary Procedure would be inappropriate. Examples of such behaviour that may affect a student's fitness to study include, but are not exclusive to, the following:

- 4.1.1 A student demonstrates behaviour concerns such as bullying and harassment which require a response other than recourse to the normal disciplinary policy and procedures
- 4.1.2 Health issues arise that place the student and or other students at risk
- 4.1.3 Safety and wellbeing of the student and/or others at the College may be placed at risk
- 4.1.4 Learning difficulties whereby a student is unable to engage with academic study
- 4.1.5 Supporting students with long term illness and or conditions and situations which may affect their studies.

### 4.1 Precedence

The fitness to study policies of partner institutions within their regulations and or policies will take precedence where applicable, below are the links to the general academic regulations for

the respective partner institutions.

**BNU General Academic and Assessment regulation**

**UWL General Academic Regulations**

**RUL General Academic Regulations**

**NCD General Regulations**

General Principles

The College is committed to supporting all students to fulfil their full potential. It is recognised that there will be occasions where, for example, a student's mental health condition may impact on their own, or others, ability to fulfil their potential. This policy and its related procedures are designed to outline the action that the College will take to address fitness to study concerns and to ensure that issues can be dealt with in a clear and open fashion.

This policy and its related procedures are not intended to give guidance on wider matters relating to students with mental health issues. However, this policy is intended to ensure a consistent approach to managing situations in which a student's behaviour is giving cause for significant concern.

The College is committed to the principles of equality and inclusivity and seeks to facilitate and promote positive mental health and well-being through the recognition and understanding of all disabilities.

Students are encouraged to declare any disability, illness or disease that is likely to interfere with their studies or the health and wellbeing of other students. This allows the College to discharge its duty of care and enables reasonable adjustments to be made to support students in their studies in line with Equality Legislation.

The Fitness to Study procedure is not intended to be a legal process. The College does not normally engage legal professionals in the handling of such cases and, consequently, it is not expected that students would be required to do so either.

## **5 Significant Concerns**

Significant concerns about a student's fitness to study may present in several diverse ways. The following are some of the more common indicators that may warrant further investigation:

- 5.1.1 Rapid deterioration in academic performance
- 5.1.2 Poor attendance and/ or lack of engagement with tutors
- 5.1.3 Failure to respond to university communications
- 5.1.4 Failure to submit work or comply with other requirements of the programme of study
- 5.1.5 An unusually high number of applications for mitigating circumstances
- 5.1.6 The sudden on-set of a physical or mental health illness
- 5.1.7 Meaningful change in mood or behaviour (i.e. social withdrawal)
- 5.1.8 Poor personal hygiene
- 5.1.9 Signs of self-harming
- 5.1.10 Drug or alcohol problems
- 5.1.11 A pattern of unreasonable demands or communications, which appear irrational, Inappropriate, or inconsistent
- 5.1.12 Referred by Student Cause for Concern protocol

## **6 Grounds on which Fitness to Study should be assessed**

A concern relating to a student's fitness to study be raised via a wide range of sources, including but not limited to the following:

- 6.1.1 Concerns about the student's fitness to study are raised by a student.
- 6.1.2 The student has informed a member of staff that they have concerns about their own fitness to study.
- 6.1.3 The student's disposition is such that it indicates that there may be need an underlying issue that needs to be addressed.
- 6.1.4 Behaviour that would normally be dealt with under the Student Disciplinary Policy, which may be known or suspected to be the result of an underlying physical or mental health issue.
- 6.1.5 A student's behaviour is having an adverse effect on the health, safety or wellbeing of other students and/or staff.
- 6.1.6 The student's academic performance or personal conduct is not acceptable and is thought to be because of an underlying physical or mental health issue.
- 6.1.7 The student's engagement

## **7 Stage 1 – Concerns Meeting (Informal)**

Once concerns have been raised, the Head of Student services in consultation with the Registry should arrange to meet with the student as soon as possible. At this meeting, a clear explanation will be given to the student about the concerns raised and the meeting will be conducted in a sympathetic and supportive manner. A fellow student or Student Council representative may accompany the student.

The aim of the meeting will be to attempt to identify any underlying causes for the concerns

raised and determine if any adjustments can be made to alleviate these concerns.

The student will be referred to specific sources of support available at the College and to outside agencies where appropriate.

An action plan should be determined and agreed upon between the student and the Head of student services or designated staff/support staff including specific review dates. Further informal meetings will occur on these review dates to determine if the concerns previously raised are being resolved. A copy of the action plan should be sent to the student within five working days of the first informal meeting and registry will keep records.

## **8 Stage 2 – Fitness to Study Panel (Formal)**

If the concerns have not been resolved by the actions in Stage 1, or if the concern considers that the case is too serious to be dealt with under Stage 1 of the procedure, the Head of Student services in consultation with the registry can refer the student to Stage 2 of the procedure.

A formal meeting will be arranged with a panel of staff to assess the student's fitness to study.

Membership of the Fitness to Study Panel shall comprise:

- 8.1.1 Programme/Module Leader/ Lecturer, Coordinator (or designated Academic)
- 8.1.2 Head of student services and or Member of Student Support and Welfare Team
- 8.1.3 Students' Union Representative or Nominee
- 8.1.4 Registry Staff

A member of the Registry team will act as Secretary to the meeting.

The student will be invited to attend the meeting of a Fitness to Study Panel. The student will be informed of their right to be accompanied by a fellow student or a representative from the Student Council. The student will be given notice of the meeting date at least 5 working days in advance along with a copy all documents presented to the Panel.

The letter of invitation to the Fitness to Study Panel will include the following information:

- 8.1.5 A clear outline of the concerns raised.
- 8.1.6 Confirmation that the student may be accompanied to the meeting.
- 8.1.7 The membership of the Panel considering the case.
- 8.1.8 Encouragement for the student to speak to their doctor, prior to attendance at the meeting.
- 8.1.9 The purpose of the meeting will be to discuss the areas of concern and assess the student's fitness to study. The Fitness to Study Panel will seek to identify a way forward that is likely to serve the best interests of the student, balanced with the best interests of other members of the College. The outcome of the meeting may include one or more of the following (this list is not exhaustive):
- 8.1.10 Agreement by all concerned that the concerns raised have been or will shortly be resolved and that further action is not required.
- 8.1.11 Agreement by the student to a formal action plan to remedy the situation. This might include, for example, referral to the College's Counselling Service or outside agencies such as drug and alcohol abuse agencies. Where appropriate, the action plan may include clearly defined timescales.
- 8.1.12 Agreement by the student to intermit for a specified period. Re-admission following this period of intermission will be determined by the principal and may require evidence that the student has engaged in a specific therapeutic programme if appropriate.

The Fitness to Study Panel will be held in the student's absence if the student chooses not to attend or, despite all reasonable attempts, the College has not been able to contact the student. If the student can provide good reason for their absence, the meeting will be rescheduled as soon as possible.

A written record of the meeting shall be made by the Secretary, and this will include any agreed action plan. A copy of the written record and action plan will be sent to the student within five working days of the meeting. Copies of this action plan may also be sent to members of staff at the College who will be responsible for assisting the student to undertake the actions required. A copy of this record will be maintained at the registry. It will be the responsibility of the Secretary to the meeting to ensure that actions arising from the meeting are followed up and reported on to the Academic Board.

## **9 Stage 3 – Serious & and Immediate Concerns**

If concerns about a student have not been resolved by the actions in Stage 2 of these procedures, or a student's behaviour raises serious immediate concerns that they pose a risk to themselves or to others, then the member of staff identifying the concerns should inform the Head of student services, the registry team or the Campus Dean immediately.

In conjunction with other appropriate staff this will include an alternative member of the College's Senior Management Team and the Student Council. A risk assessment will be

conducted to identify the level of risk to the student and /or to others and determine whether continued study may put the student and/or others at an unacceptable risk or further exacerbate the student's condition. The panel will also consider whether the student's health or behaviours demonstrate an inability to meet the learning outcomes of the qualification award. All available evidence will be included as part of the risk assessment.

The risk assessment will normally result in one of two outcomes:

- 9.1.1 The level of risk to the student and/or others is within acceptable levels and Stage 2 of these procedures should (continue to) be followed.
- 9.1.2 The level of risk to the student and/or others is unacceptable, and Stage 3 of these procedures should (continue to) be followed.

If the risk assessment concludes that there is an unacceptable level of risk, the Head of Student services in consultation with the registry will convene an urgent meeting with the student, who may be accompanied by a fellow student or representative, and relevant staff to discuss the outcomes of the risk assessment. This meeting will consider diverse options in relation to the student, including temporary suspension or a recommendation to the Executive Principal that the student is withdrawn from the College.

## **10 Return to Study**

Following any period of suspension under these procedures, it may be appropriate for a student to return to their studies. While each specific case will be considered on its merits, in all cases a student's return to study will be conditional upon satisfactory medical evidence of fitness to study. Medical evidence should be from a GP or relevant health professional, with sufficient knowledge of the student's circumstances to be able to make an informed statement about the student's fitness to study.

The decision to permit a student to return to study after a period of suspension will be made by the Chief Academic Officer in consultation with relevant staff. Any decision to permit a return to study might include conditions as deemed appropriate to the case (such as a return to study plan or a requirement for the student to attend regular review meetings).

## **11 Appeal**

Students have the right to appeal against any decision taken under Stage 3 of these procedures. An appeal must be based on one of the following grounds:



- 11.1.1 there is new evidence that would have significantly affected the outcome, and which could not have been made available during Stage 3 of the process
- 11.1.2 that there was a material procedural irregularity about the process which demonstrably affected the outcome
- 11.1.3 that the Stage 3 decision was manifestly perverse. In this context, perverse is taken to mean that the decision was not a conclusion that a similarly convened review might have reached.

A student wishing to submit an appeal, must submit their request in writing within 15 working days of the date of the decision to the college's Registry to be determined by the Academic Board. If a student has been excluded from the College, their appeal will be heard by the Academic Board.

Upon receipt of a student's appeal letter, the registry, will respond within 10 working days. The decision of the Academic Board once determined, will be final. At this time, the college will consider that its procedures have been concluded and the student will be issued with a letter to this effect.

## **12 Disabled Students/Additional Needs Students**

We take our responsibilities to disabled students seriously. If a student needs the College to make reasonable adjustments in order that the student can attend a meeting in relation to the Fitness to Study procedure, the student should contact the College in advance in order that individual needs can be addressed, where possible. This could mean relocating the hearing to a more accessible venue and/or arranging for a communicator or advocate to be present at the hearing. To enable us to do this, please contact your respective student support services or speak to a member of staff.

## **13 Office of the Independent Adjudicator (OIA)**

The College subscribes to the independent scheme for the review of student appeals. Once the College's internal procedures for the review of a student appeal have been exhausted, the college will issue the student with a 'completion of procedures letter' to confirm that the college's procedures are complete and to advise the student to contact the OIA if subsequently the student wishes to have their appeal reviewed further (provided that it is considered eligible under the OIA's rules).

Equality issues have been considered during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

Please note that the procedures and policies outlined in this policy, and in any related policy may be reviewed or changed at any time before the actual review date.