

**The purpose of this policy is to support students and staff managing situations that cause significant concern in order to fulfil the duty of care that the College has to its community and its obligation to take action if a student presents a risk to themselves or to others.**

### **Who does this policy apply to?**

This policy is intended for use in cases in which the attendance, behaviour, disruption or risk presented by current students due to their mental or physical well-being is perceived to be of a serious or potentially serious nature. Where possible the support provision available to students should be used as an initial step prior to taking any formal action.

This policy is not intended to give guidance on wider matters relating to students with mental health needs, but is intended to ensure a consistent and sensitive approach to managing individual cases.

The College Admissions policy should be followed for all applicants prior to enrolment.

### **Policy Statement**

There is a growing awareness within Further Education institutions for the need to respond appropriately and effectively to instances where a students' fitness to study is being significantly impacted, or impacting on those around them, as a result of the following complicating factors:

- Illness,
- Mental health difficulties,
- Psychological,
- Personality or emotional disorders

This Policy addresses these issues and promotes positive attitudes towards students with disabilities and challenging personal circumstances. The College has a duty of care to respond appropriately to situations where there are significant concerns relating to a student's health and wellbeing. This Policy indicates the procedure and support available to both students and staff when a student becomes unwell and/or presents a risk to self and/or other members of the College community.

### **Roles and responsibilities**

It is the aim of the College to foster independence, self-awareness and personal responsibility amongst students. In this context it is also important that students take an active part in the process, and take appropriate steps to manage their own health and wellbeing in order to fulfil their academic and social potential. It is important that this emphasis on personal responsibility is clearly communicated to students from the outset.

There may be instances when a student's health or wellbeing may cause the College to consider the student's fitness to study on a course, including within a work placement, and/or as a member of the College community as a whole. These include (but are not restricted to) the following:

- I. A student is affected by a condition requiring a long period of absence and treatment
- II. Where doubts/concerns may be raised due to a pre-existing medical condition
- III. If participation in a compulsory element of the course (including work experience) is highly likely to have a negative impact on a pre-existing medical condition or mental health issue
- IV. Where there is consistent disruption to teaching, learning or support of other students or when there are unreasonable demands made on staff/students due to deteriorating physical/mental health of the student
- V. Where there is an identified risk to others due to deterioration i.e. physical/mental health
- VI. Behaviour issues due to health issues which would be dealt with by the Student Disciplinary policy
- VII. Student's personal conduct or attendance is not acceptable and is suspected to be as a result of a physical/mental health issue or significant personal issues which are ongoing

Observations of behaviour, discussions with the student and perceived risk may be drawn from a variety of sources including College staff, other agencies, parents, carers and peers.

It is possible that the use of any formal procedure may increase a student's experience of stress. In order to minimise the risk of causing additional stress, this procedure should be used sensitively, ensuring that the student understands the focus is on his/her best interests, and that all possible steps are taken to minimise additional concerns and anxieties experienced by the student.

All members of staff must ensure that they consider the College safeguarding procedures alongside these procedures. If an incident occurs where there is critical concern, regarding immediate risk to self or others, a member of the safeguarding panel must be informed in accordance with the College safeguarding procedures and the appropriate Emergency Services should be notified.

In the case of a Looked After student or a student with an Educational Health Care Plan, the Support Stage 1 meeting will be held in consultation with the Local Authority.

The level of risk posed by a student will be considered via a risk assessment process, which will be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the organisation.

This process will be initiated by the relevant Tutor and led by the Learning Manager (or designate) in close collaboration with Student Support staff, who should play a key role in identifying the specific evidence to underpin any concerns.

Where there is no concern of immediate risk to self or others, the Student Fitness to Study Policy will be applied. The student would usually enter the process at Support stage 1,

however, if the College considers the level of concern to be significant it may decide that the student needs to immediately enter the process at Support Stage 2 or 3, as appropriate.

If a student is unwilling or unable to take part in any of the support meetings the College may still follow the procedure where it is reasonable to do so. The College will consider any request from the student to proceed with a meeting in his or her absence on the basis of written reports and/or a written statement from the student.

### Links to College values and other College policies

- Safeguarding and Prevent Policy
- Student Disciplinary Policy
- College Admissions Policy
- College Equality and Diversity Policy

### Who needs to understand this policy and how will they know about it?

The following training and awareness will be put in place:

Who?	How?
Students	Policy available on the College website. Reference made to the Policy throughout the application and enrolment process. The policy will also be referred to in the Student Handbook.
College managers	Include in SLT bulletin
All teaching staff	Briefing by Learning Managers; 'All Staff' e-mail; visits to team meetings if requested.
Business Support staff who interact with students	Briefing by line managers; copies of the policy to be distributed.

Bournemouth and Poole College Date: December 2018 Function Equal Opportunities
<b>This policy has been examined for equality impact i.e. the impact that this policy will have on different groups of current or potential learners, service users and staff taking into account the protected characteristics of the Equality Act 2010 (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation)</b>
<b>1. If equality impact analysis is not relevant to this function give reasons and proceed to section 5 below</b>
<b>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?</b> This policy is intended to provide a positive, supportive and transparent approach to support students with physical or mental health issues, as such no groups of students with protected characteristics should experience a negative impact.
<b>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?</b> This policy ensures that a consistent and transparent approach related to fitness to study is in place for <b>all</b> students across college.

**4. What evidence supports your judgements? E.g. Consultations, observations, expert opinions, quantative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored?**

Currently there is no evidence to support equal opportunity feedback for Fitness to Study. This is currently under review.

**5. Name and job title of manager responsible**

Director of Student Experience

## **PROCESS / PROCEDURE**

### Support Stage 1 – (Student & Tutor\*)

At this stage concerns will be discussed with the Student via the Tutor, if it is evident there are welfare, pastoral and/or concerns regarding the student's fitness to study it will be recorded under the fitness to study pathway and stages should be followed as outlined in this document.

It is the responsibility of the student's Tutor to discuss initial concerns with the student using one to one tutorial support.

In providing support, the Tutor should be liaising with other relevant parties such as teaching staff, Parent or Carers' and the Student Support team. The student should be encouraged to use one or more of the support services offered by the College, e.g. Health & Wellbeing, Learning Support, specific academic arrangements, or reasonable adjustments should be considered and action plans agreed with the student.

The students' Tutor must record the one to one support and the agreed actions with a review date on ProMonitor. The Tutor must send a record of the discussion, with the agreed actions and review date to the student & parent/carer within 5 working days of the discussion.

Where a student's risk is assessed as low (based on observations and evidence of the above named factors) they will be managed in the curriculum. This will take place through tutorial support and referral to Student Support team. Further intervention support will take place if any changes to the student's needs are observed or evidenced.

### Support Stage 2 – (Student, Tutor,\* Learning Manager & Student Support Team)

Stage 2 will be initiated where concerns are continuing or the review date agreed at the stage 1 discussion has passed and the student is still experiencing difficulties. It may also be initiated when there is significant initial concern which is felt to be too serious to be handled informally at stage 1. The Learning Manager must be informed of the continuing concern, it is their responsibility to ensure that Stage 2 of this procedure is followed.

The Tutor will arrange a Support Stage 2 meeting with the student, Learning Manager and a member of the Student Support Team if considered appropriate in the individual circumstances. The student should be made aware of the purpose of the meeting and that they may be accompanied by a relative, friend or support worker

Support Stage 2 meeting will consider whether the student is able to participate in their academic studies as part of College community and whether any support needs can be met by College support services. If this is considered possible, an action plan will be agreed with the student, detailing any steps the student will need to take and the support to be provided to the student. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken by the department.

Regular review meetings will be arranged with the student. The student should be made aware of what will happen if the action plan is breached, which will normally involve stage 3 intervention being required.

The outcome of the Support Stage 2 meeting must be recorded on ProMonitor and the outcome, with any agreed actions and timescale, sent to the student & parent/carer within 5 working days of the meeting.

### Support Stage 3 – Serious, Persistent and/or Critical Concerns:

This stage can be reached either through progression from Stages 1 and 2 or directly if the concerns identified are serious, persistent or have become critical i.e. the student's behaviour is putting health and safety, wellbeing or academic progression of self or others at risk. In such cases the Director of Learning and the Head of Student Support should be informed.

The Learning Manager will call a Stage 3 Support Meeting. The meeting will be attended by the Learning Manager, Tutor, Director of Learning and the Health or Wellbeing Coordinator.

Depending on the circumstances the meeting could also include other members of College staff, the College Safeguarding Lead, parents, carers, employers, Social Workers or other Local Authority staff.

The Learning Manager may request medical evidence. In the absence of medical evidence the college may make a decision based on available information. The student will be invited to attend the meeting and informed that he or she may be accompanied by a relative, friend and student representative or support worker.

At the meeting, the student's support needs will be discussed and various options considered including an adapted timetable, a break from study, study from home or a period of suspension.

Where a recommendation of part-time study (if appropriate and available) or a special programme of study arrangement is made, agreement must be given by the student's curriculum Learning Manager and this could include one to one/small group support. The student will be informed that unless these arrangements address the College's concerns, their fitness to study will remain of concern.

In cases where suspension of studies is agreed, a clear time frame must be given to the student. The provision of appropriate documentation/medical evidence within that time frame will be a condition of re-entry to the programme of study. The decision made, will be notified to the student & parent/carer within 5 working days of the meeting. A decision of suspension can only be made by the Director of Learning for the curriculum area with support from Head of Student Support and/or Director of Student Experience.

### Fitness to Study Action Meeting

The Fitness to Study Action Meeting will be arranged by the Learning Manager. The student will be invited to attend the meeting and informed that he or she may be accompanied by a relative, friend, and student representative or support worker. In the event that the student is unable or unwilling to attend, the meeting may go ahead in his or her absence. All the evidence will be discussed and a decision made as to whether the student can continue at College. Where a decision of a suspension or cessation of study is made this should be confirmed in writing to the student & parent/carer within 5 working days of the meeting. A copy of all correspondence pertaining to this should also be sent to the Vice Principal Curriculum office.

Whilst it is envisaged that such cases will be exceptional, the College reserves the right, at any stage and level of this procedure to vary the process it follows in the interests of fairness and/or health and safety. (For example, where there are concerns that the attendance of the student at the meeting or the sharing of information to the student could have a detrimental effect on the student e.g. if the student is self-harming or the student is in hospital).

## Appeals

The student may appeal against a decision of the Fitness to Study Action meeting on the following grounds:

- The College failed to follow its own procedure.
- There is evidence to demonstrate that the decision made is unreasonable.
- There is further material evidence, which could not reasonably have been expected to have been submitted for consideration at the meeting.

A request for an appeal must be confirmed in writing within 5 working days to the Vice Principal Curriculum and should identify the grounds from the list above and provide a brief supporting statement.

An Appeal Panel will be convened and will include the following staff

- Vice Principal Curriculum
- Director of Student Experience
- Director of Learning from an another curriculum area

Students have the right to present their case in person to the Appeals Panel at an appeal hearing, with one other person in attendance if they so wish to support them, for example a parent or carer.

Students may invite relevant individuals to present evidence in person or in writing. During an Appeal, the Panel may receive representations from the student concerned, parents/carers, Learning Manager, Tutor and any other person they deem appropriate. Evidence may be received in writing or in person, as the Panel determines.

The Panel, in consultation with the Vice Principal Curriculum, may either:

- Uphold the decision for the student to be withdrawn from College on the grounds of their fitness to study or:
- Reinstate the student, with or without conditions as appropriate.

The findings of the Appeal will be communicated to the student and, if appropriate, to his or her parents/carers, in writing. The decision of the Appeals Panel is final.

## Returning to Study

Where a person wishes to return to study after a previous withdrawal, their application will be considered under the guidance of the Admissions Policy and any concerns about a return to study will be managed according to the Fitness to Study Policy.

Where a student has been withdrawn via the Fitness to Study Policy and procedures, any subsequent application should not be made during the same academic year.

Policy approved by: SLT/Policy Review Group

Date: 07/02/2019

\*Please note that for apprentices and 19+ students the person with pastoral responsibility for them will be responsible for implementation this policy and procedure if required, for example the assessor or teacher.