



**TyneCoastCollege**

## **Student Fitness to Study Policy and Procedures**

This policy is available on-line at: [www.tynecoast.ac.uk](http://www.tynecoast.ac.uk)

- We will consider any request for this policy to be made available in an alternative format or language.
- We review our policies regularly to update them and to ensure that they are accessible and fair to all. We welcome suggestions for improving the accessibility or fairness of this policy.
- All our policies are subject to equality impact assessments. We are always keen to hear from anyone who wishes to contribute to these impact assessments. Please contact: Principal

<b>Approved by:</b>	<b>Version:</b>	<b>Issue Date:</b>	<b>Review Date:</b>	<b>Contact Person:</b>
CMT	1	December 2022	December 2023	Jackie Gates

**Equality Opportunities:      Impact**

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**POLICY NUMBER 119**

## **Contents**

1. Introduction
2. Scope and Aim
3. Student Entitlements
4. Responsibilities
5. Standards by which the Success of the Policy can be evaluated
6. Responsibility for implementing the Policy
7. Review of this policy
8. Associated policies
9. Fitness to Study process
10. Fitness to Study Referral to Head of Student Services and Safeguarding
11. Appendix A - Fitness to Study referral form.
12. Appendix B - Fitness to Study Record of Panel Meeting
13. Appendix C – Fitness to Study Outcome Letter Template.

## **1. Introduction:**

Tyne Coast College is committed to supporting students and recognises the importance of their health and wellbeing in relation to their academic progress and College experience. There are a variety of support opportunities within College and outside of College which students can use to help improve their wellbeing and health. Students (and their parents/carers for those under 18 and /or 25 who have an Education, Health & Care Plan (EHCP)) are expected to take a proactive part in the process, by managing their own health and wellbeing and engaging with any support offered, in order to fulfil their academic potential.

## **2. Scope and Purpose:**

2.1 This policy and procedure applies to any student admitted or enrolled by Tyne Coast College. This policy and procedure is used for instances where the health and/or wellbeing of a student deteriorate to a point where it raises questions about their fitness and suitability to continue with their studies

2.2 This policy and procedure will be used to support staff in all areas of the College to deal with instances where concerns have been expressed over a student's health, wellbeing or behaviour, which have led to:

**a)** concerns from staff about a student's fitness to study at the College and/or ability to meet the learning outcomes of the course, despite reasonable adjustments which have been made

**b)** a negative impact on the health, safety, wellbeing and/or learning of the student and/or others with whom she/he/they has contact

2.3 Difficulties may present in a variety of different forms including e.g. deterioration in the student's appearance, health, attendance, behaviour or ability to meet deadlines; disruption of other students' studies; unsustainable demands being made of staff; detention under the Mental Health Act

2.4 This policy and procedure will normally be applied in relation to concerns which arise on College premises or whilst the student is engaged in a course activity whether at the College or placement/enrichment provider. Incidents which occur outside the College which raise concerns about a student's fitness to study and where it is considered necessary to protect the safety, interests and reputation of the College, its staff or students, may also be considered under this policy and procedure

2.4 This policy and procedure will apply where students present with difficulties due to their physical or mental health or wellbeing. However, the College reserves the right at any stage to invoke either:

- a) discussions on whether a student is fit to practise where there are concerns about a student's suitability to progress with a professional qualification e.g. to work with children; or
- b) on occasions when the student Disciplinary Policy has been actioned and a student's behaviour poses a risk of harm to either themselves or others, or where the student does not engage positively with supportive interventions
- 2.5 There are times when disciplinary action to deal with student conduct may not be appropriate, even though a student's conduct may, with or without them being aware of it:
- **Endanger him/her/them self/themselves or others**
  - **Disrupt the work, studies, or wider student experience of other students or the work of staff**
  - **Disrupt their own work, studies or wider student experience**
  - **Place unreasonable demands on staff, students or College resources**
  - **Interfere with the discharge of the College functions**
  - **Threaten the College's reputation**
- 2.6 It may be the case, for example, where the conduct arises out of a health condition or disability, including mental illness, and persists despite all reasonable adjustments having been made by the College to support the individual. In these circumstances, a concern may arise that the student's fitness to study may be impaired, or that they may not be fit to study, and the Student Fitness to Study Policy and Procedure may be followed instead of the Student Discipline, Positive Behaviour Policy and Procedure
- 2.7 This policy and procedure also applies to former students seeking to return to study whose previous enrolment has been interrupted, suspended or terminated under the Fitness to Study Policy and Procedure

### **3.0 Student Entitlements**

All students at the College are entitled to:

- Information regarding the support available from the initial point of contact through application, College enrolment, information, advice and guidance, induction and while on programme
- A referral for support where a disability or a support need is disclosed
- A full assessment of need and associated support plan
- Regular review of support and monitoring of agreed targets
- In all cases involving students aged younger than 18 or up-to 25 with an EHCP, a parent or guardian should be involved. If the student is over 18 years of age and do not have an EHCP they are entitled to support but not from any legal representative

## **4.0 Responsibilities**

### **4.1 Student Responsibilities:**

Student entitlements are most likely to be met in full when a student fully acknowledges and actively engages in fulfilling their responsibilities:

- Disclose a disability or difficulty and any support needs
- Adhere to the Student Code of Conduct
- Participate in the Fitness to Study Policy and Procedure. Should a student be unwilling or unable to participate at any stage of the procedure, the College may nonetheless follow the procedure where it is reasonable to do so in the absence of the student
- Recognise the effort required to achieve at the highest levels and make a consistent and positive commitment and contribution to their own development and learning
- Co-operate with teaching staff and fellow students

### **4.2 Teaching and Support Staff Responsibilities**

Teaching and Support Staff should ensure that:

- They make a support request to ALS as soon as a support need is observed or disclosed
- They follow the Safeguarding Policy & Procedure for safeguarding situations.
- The Safeguarding Team is contacted when a student is experiencing an immediate mental health crisis.
- In all cases of emergency, they make direct contact with Emergency Services
- They act promptly with any concerns regarding a student's mental health/welfare to avoid the risk of deterioration or escalation
- All staff and students are fully conversant with this policy and procedure and the demands it places on them
- They understand early intervention is critical in most cases of concern and early concerns around behaviour, mental health should be raised accordingly

### **4.3 College Managers' Responsibilities**

College Management, in this context, covers Head of Department/Services, Principalship and all College Managers. College Managers should ensure that:

- All staff are competent to undertake their roles and responsibilities
- All staff engage with the principles of equality and diversity in their work
- All newly appointed staff have, as part of their induction, training and development opportunities to meet the requirements of this policy

- All other staff have access to training and development which ensures they are familiar with this policy.
- All staff aware of the safeguarding policy and procedures

### **The Safeguarding and Wellbeing Manager (or an appropriate senior manager)**

- Monitor all cases that fall within the terms of the Fitness to Study Policy and Procedure
- Convene and chair any panel hearings, ensuring all relevant information is provided
- Make the decision as to whether to implement the Fitness to Study Policy and Procedure based on evidence provided

### **5.0 Standards by which the success of the policy can be evaluated**

- Number of students subject to the policy
- Number of students supported to remain in college and achieve their full potential.
- The above statistics should be reported monthly within the termly safeguarding report

### **6.0 Responsibility for implementing the Policy**

- Head of Student Services and Safeguarding
- Safeguarding and Wellbeing Manager

### **Other key posts of responsibility include:**

- SEND manager
- Vice Principal or Assistant Principal where the panel recommendation is for exclusion from College.

### **7.0 Review of this policy**

The periodic review of this policy will take place in 2 years. Changes in legislation and/or good practice may prompt a review before the date stipulated.

In some cases, it may be necessary for the College to vary the process set out in the procedure. The College may make such variations as it sees fit, subject to informing the student concerned. This will be done in the interests of fairness.

### **8.0 Associated policies**

This policy should be read in conjunction with the following policies/procedures:

- Safeguarding Policy and Procedure
- Student Discipline, Positive Behaviour Policy and Procedure
- Attendance Procedure

## **9.0 Fitness to Study Procedure**

Concerns regarding a student's fitness to study may arise where (for example) the College considers that one or more of the following risks are present where those risks arise in the context of a known or suspected mental health illness, medical condition or disability of the student. Examples of such risks include:

- Concerns raised by the learner
- Serious concerns about the student emerge from a third party (friend, colleague, placement provider, member of the public, parent) which indicate there is a need to address their fitness to study
- Harm to the student and/or to others
- Disruption to their work, studies or wider student experience and that of other students, or the work of staff
- Unreasonable demands being placed on staff, students or College resources
- Interference with the discharge of College functions
- Harm to the College's reputation

The procedure can be used as an alternative to disciplinary action, where the conduct is related to a medical condition or disability or may be an outcome of a disciplinary panel if appropriate

**In all instances the Safeguarding and Wellbeing Manager should be informed.**

It is hoped that with early intervention matters can be dealt with informally. Implementation of the procedure will be dependent on factors such as the nature of the concern, the seriousness of the risk posed, the student's capacity to make a decision and their perception of the situation

Where a member of staff has a concern regarding a student's fitness to study, a referral (Appendix A) must be made to the Safeguarding and Wellbeing Manager independent of any disciplinary action. Students will normally be notified that a referral is being made to Safeguarding and Wellbeing Manager regarding a concern about their fitness to study. The relevant Safeguarding Officer or SEND Advisor will consider the student's immediate support needs and the appropriateness of intervening under the Fitness to Study Policy and Procedure.

If a student has an EHCP or is in receipt of High Needs Funding (HNF) the Fitness to Study Policy and Procedure should be used as an alternative to the disciplinary process that may have a possible exclusion outcome and fitness to study panel should involve the Senior SEND Advisor.

The Safeguarding and Wellbeing Manager considers the student's immediate support needs and the appropriateness of intervening under the Fitness to Study Policy and Procedure.

Where the student's continued presence on campus poses a risk to themselves and/or others, suspension from studies can be put in place using the normal procedure. A risk assessment should be undertaken by the Head of Department/Service as a matter of priority, with support from the Safeguarding Team.

Students can make self-referrals to engage in the procedure where they perceive themselves to not be fit to study.

In all instances the Safeguarding and Wellbeing Manager (or an appropriate senior manager) will make the decision as to whether to intervene using this procedure.

## **9.1 Procedure**

A panel meeting will be arranged within 5 working days of the referral and should involve all relevant staff. The panel will include the Safeguarding and Wellbeing Manager or a representative, relevant Head of Department/Service or representative, Health and Safety Manager or representative, Safeguarding Officer (where applicable), Senior SEND Advisor (where applicable), SEND Advisor (where applicable) and may also include a Tutor, other support staff, and external agency partners. Local Authority representatives must be invited if the student has an EHCP.

The Safeguarding and Wellbeing Manager will collate the evidence for the case being discussed.

The panel will establish whether any reasonable adjustments, a risk assessment or an inclusion plan can be put in place to enable the student to continue their studies.

As a result of the panel the following action will be taken:

- Members of the panel will formulate appropriate supportive measures



- The panel will convene a meeting with the student within 5 working days of the panel meeting taking place. In all cases involving students aged 18 or younger or up-to 25 with an EHCP, a parent or guardian should be involved. If the student is over 18 years of age and they don't have an EHCP they are entitled to support but not from any legal representative. Where the student or parent/guardian is unable to attend, they may suggest an advocate who can act on their behalf
- Where a student has an EHCP, consideration should be given to calling an early review of the plan with the Local Authority

The meeting may result in the following outcomes:

- An action plan with SMART monitoring targets to address the issues discussed and agreed review points. This may involve referral and contact with external agencies
- Implementation of applicable supportive measures
- Suspension of studies
- Recommend withdrawal from the course with a view to re-enrolling at a future date. This may or may not be the same course dependent on the nature of the concerns.
- Transfer to an alternative course if the time period could accommodate this. If a student is asked to withdraw from a course of study, 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 Safeguarding and Wellbeing Manager for a recommendation regarding withdrawal. The final decision for any withdrawal will be made by the Vice Principal and processed in the normal way by the Head of Department/Service.

The Panel Chair must complete the panel record (Appendix B) following the meeting and share the outcome with panel members and other relevant staff.

The outcome of the panel must be verbally communicated to the student, and parent/carer where applicable, within 5 college days of the panel meeting by the Head of Department/Service. This should be followed up in writing by Safeguarding and Wellbeing Manager using the outcome letter (Appendix C) within a further 5 days.

Where students have an EHCP, any outcome which affects the course of study must also be communicated in writing to the Local Authority by the Senior SEND Advisor.

## **9.2 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 5 College days of the decision being communicated.

**The Principal's decision will be final.**

### **9.3 Return to Study**

Exclusion or long-term suspension of studies will preclude a student applying for another course at the College until the following academic year. Any exclusion or suspension should be recorded on CPOMS and EBS and where relevant, the Local Authority must be notified.

Each student's case depends upon their circumstances and the context out of which the concerns initially arose. However, in all cases return to study will be dependent upon satisfactory evidence of fitness to study, the provision of support available and 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 fitness to study. The statement will need to include judgements on the student's renewed ability to manage studying at the College.

The decision to return to study will be made by the Safeguarding and Wellbeing Manager (or nominated Manager) in conjunction with the appropriate Head of Department/Service. The decision will be based on the evidence available to demonstrate the student's fitness to study, their compliance with any conditions imposed and the availability of support on their return.

If a decision to study is not deemed appropriate, the options will include postponing a decision pending receipt of further information.

If the student is dissatisfied with the decision and wishes to complain they should follow the College Complaints Policy and Procedure.

### **9.4 Data Protection and Confidentiality**

The College acknowledges that as a result of implementing this policy it will receive personal data of a confidential and sensitive nature and shall ensure that all such data is handled, processed and stored accordingly under the Data Protection Act 2018 and the General Data Protection Regulation 2016.

Normally, sensitive personal data and confidential information will only be disclosed to third parties with the express, informed consent of the student for the purposes of implementing this policy. However, there may be rare occasions where the college is obliged to disclose without consent. These include:

- Where the student's behaviour threatens his/her/their own safety or the safety of others
- Where the student is at risk of serious abuse or exploitation
- Where the member of staff or the College would be liable to civil or criminal penalty for failing to disclose

## **9.5 Key referral Contacts**

Key referral contacts within the College are as follows:

### **Jackie Gates – Head of Student Services and Safeguarding**

[Jackie.gates@tynecoast.ac.uk](mailto:Jackie.gates@tynecoast.ac.uk)

0191 2295000, mobile 07522548285

### **Eve Oliver – Safeguarding and Wellbeing Officer**

[eve.oliver@tynecoast.ac.uk](mailto:eve.oliver@tynecoast.ac.uk)

0191 427 3500 ext 6369, mobile 07597575357

### **Nicola Aris – SEND Manager**

[Nicola.aris@tynecoast.ac.uk](mailto:Nicola.aris@tynecoast.ac.uk)

0191 229 5000, mobile 07598481482

### **Reece Layton – Senior SEND advisor (STC)**

[rlayton@tynecoast.ac.uk](mailto:rlayton@tynecoast.ac.uk)

0191 4273500

### **Christie Ferrier – Senior SEND advisor (TM)**

[christie.ferrier@tynecoast.ac.uk](mailto:christie.ferrier@tynecoast.ac.uk)

0191 229 5000

## Appendix A

### Fitness to Study: Referral to Head of Student Services and Safeguarding

Referrer Name			
Role			
Date of referral			
Personal Tutor		Contact Number	
Student Name		Student Number	
DOB		EHCP	Yes/No
Curriculum area			
Programme			
Reason for referral – please include as much detail as possible.			
Outcome of a disciplinary panel	Yes/No		
		If yes, date of panel:	
Student currently suspended from studies	Yes/No		
	If yes, date of suspension		
	Date of risk assessment		

Please attach all relevant documentation including risk assessments and a record of the disciplinary meeting and forward to [eve.oliver@tynecoast.ac.uk](mailto:eve.oliver@tynecoast.ac.uk)

**Appendix B Record of Panel Meeting**

<u><b>Tyne Coast College</b></u>		
<u><b>Fitness to Study Panel</b></u>		
<b>Section 1 – Student Details</b>		
Name		
Date of Birth		
ID		
Primary Disability		
<b>Section 2 – Panel Details</b>		
Date of panel meeting:		
Please detail panel attendees:		
Name	Role	Representing
Detail of discussion:		
Outcome:		
Date:		

**Appendix C Outcome Letter**

**Insert student name and address and date**

Dear

I am writing to confirm the outcome of the panel meeting that was held on \_\_\_\_\_ as part of the Student Fitness to Study Policy and Procedure.

After careful consideration by the panel members the following has been agreed:

This recommendation has been made after careful consideration of the case and bearing in mind the following factors:

You have the right to appeal to the decision of the panel and should do so in writing to the Principal within 5 working days of receiving this letter either by post or to The Principal, Tyne Coast College, St Georges Avenue, South Shields NE34 6ET or via email to [Mandy.Morris@tynecoast.ac.uk](mailto:Mandy.Morris@tynecoast.ac.uk)

If you have any questions regarding this letter, please contact me on (*email contact address*)

Yours sincerely

Manager's name and position