

FITNESS TO STUDY POLICY AND PROCEDURE

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1. Introduction

The City of Portsmouth College (CoPC), is committed to promoting a culture of positive mental wellbeing for its students with the aim of creating such a culture, all students will be able to fulfil their potential in their studies and in their lives beyond college. This policy provides a framework for managing situations where there is a concern about the wellbeing of a student, which will affect their ability to study at the College and impact on the wellbeing and learning of themselves and/or others.

2. Scope and Purpose

The term 'fitness to study' as used in this document relates to the entire learner experience, and not just to a learner's ability to engage with their studies. For example, the College expects its learners to live in harmony with others, and not to conduct themselves in a way which has an adverse impact on those around them. This policy is not designed to address academic performance problems unless these result from a fitness to study difficulty. This policy is intended to be complementary to the **Learner Behaviour Policy** and specifically to be used where there is sufficient concern that a learner's behaviour could be as a result of disability or ill health and to be having, or likely to have, an impact on the health and safety of the learner or other people in the College. The **Disciplinary Procedure** may initiate action, for example suspension of the learner if there is a threat to their own or other members of the College community's safety, but subsequently this policy may replace the **Disciplinary Procedure** if the cause of the learner's behaviour is identified as a health issue during disciplinary proceedings. The outcome of a disciplinary meeting may in fact reflect an outcome under this policy where appropriate. Where this is the case, it will be made clear in the outcome letter.

The procedure is not punitive but is designed to support learners who display negative behaviours which may be caused by underlying health problems. Teaching and support staff may initiate the use of the policy if concern for the learner is sufficient.

This policy applies to all learners enrolled on programmes taught by the College including supported learners. Where learners are under 16, the school representatives must be incorporated into all stages of the process including attending any meetings with learners.

This policy is designed to be 'preventative', dealing with issues early and before they escalate to a crisis.

On all occasions where this policy is either being considered or used, appropriate confidentiality and data protection protocols must be maintained at all times.

Where any health issues could be considered to be covered by the Equality Act, the College will implement reasonable adjustments to support a learner to continue with their studies.

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

3. Fitness to Study Principles

CoPC is committed to:

- Enabling all staff to know how to proceed when they identify if a student is struggling with medical, psychological or emotional problems
- Considering the lawful application of temporary or permanent exclusion if there is justification for such an act. This would apply where there is a risk to the health, safety and wellbeing of the individual student, following any reasonable adjustments, or this was

having a detrimental effect on the College's duty of care to the other students.

- Recognising when a student's support needs fall outside of the scope of support that the College can reasonably provide.

This policy does not cover learner behaviour management as this is covered by the Learner Behaviour Policy. The concerns that are applicable to this policy are those when there is a serious risk either to the individual or to other staff or students because of health or wellbeing issues.

4. When to Use this Procedure

The policy may be implemented by a member of staff when:

- There is concern raised that student's health or wellbeing are affecting their attendance or capacity to study to the extent that they are not able to participate in their study programme to a level which will enable them to complete successfully.
- Concerns about the student's fitness to study are raised by a third party i.e. a friend, relative, employer, member of the College staff or medical professional.
- The student has informed a member of staff that they have concerns about their own fitness to study.
- Behaviour that would usually be dealt with as a disciplinary matter, may be known or suspected to be the result of an underlying physical or mental health difficulty.
- A student's health difficulties are adversely affecting the health, safety or wellbeing of others.
- A student's health difficulties are adversely affecting the learning, progress or likelihood of success of other learners

5. Procedures for Responding to Emerging and Ongoing Concerns

The procedure has 3 stages:

Stage 1

Emerging or initial concerns about an individual learner's health, safety, behaviour or mental well-being is raised. A member of staff with primary responsibility, e.g., **appropriate curriculum team member/Tutor**, should meet with the learner and explain in a supportive and understanding manner that concerns about the learner's fitness to study have emerged. If there are serious or significant concerns, it may be necessary to go straight to Stage 2 or 3 below. Information will be given at this stage about the range of college services that are available.

These support services include:

- Tutor support
- Campus Safeguarding Team
- The Student Support & Wellbeing Team
- Counsellors
- The ALS Team

The student should be given a copy of the well-being action plan and the next steps explained to them. At this stage, it should be made clear to the student that it is their responsibility to take appropriate steps to manage their own health, well-being and ability to study. The student should be encouraged to speak to their parents and their GP if there are well-being concerns. If the student is under 18, a copy of the well-being action plan will be sent to their parents/carers unless there is a safeguarding intervention or concern relating to either of these parties when the allocated professional will be informed. A review date will be agreed between the Tutor and student at this time.

If concerns are raised during the application process, depending on the issue, the member of staff from the appropriate curriculum team will contact the applicant (or parent/guardian if the student is under 18 years old) and arrange an exploratory meeting.

Stage 2

When the concerns outlined in Stage 1 are continuing or escalating, a Stage 2 meeting will be held with the student to review action and impact. This will be chaired by the Assistant Principal - Curriculum and a Senior safeguarding Officer. Others attending should be the student's Tutor or member of curriculum staff and, as appropriate, their ALS contact and Student Support & Wellbeing team. This stage may be triggered before or at the review meeting. If the student is under 18, their parents/carers/ allocated professional such as YOT, Social Worker, Key worker should be invited to the meeting. At this stage, an extended action plan will be completed which will identify further support options/interventions that can be offered to retain the student on their course. Where the course is still within the student's capabilities and their support needs can be met by the relevant curriculum area, the review meetings will be in place indefinitely depending on how the student responds. Support will be provided for students as necessary to act as advocates and meet individual needs i.e., ALS, interpreters etc. This support should be arranged prior to the meeting and in negotiation with the student.

If it is felt necessary, with the consent of the student, the panel can request advice/ risk assessment from an appropriate health professional to see how the student's health is affecting their studies. This needs to be with the student's written permission, or with their parents/carers' written permission if under 18. However, in the instance of safeguarding concerns it may be that the Safeguarding team will communicate on a 'need to know' basis with appropriate external agencies in order to ensure the safety and well-being of the student.

At Stage 2, there is the option of applying a temporary withdrawal from the student's studies. If such a withdrawal is deemed necessary, the student, and their parent/carer if under 18, must be informed in writing, within 5 working days of the meeting. The letter must identify clearly, why the College is taking this course of action and what support can be offered both by the College and by alternative external agencies.

Stage 3

Stage 3 is actioned when the behaviours/concerns identified seriously compromise the College's duty of care either to the individual student or to other students/members of staff. Stage 3 may be introduced at any stage of the student's referral. For safeguarding and well-being concerns, the College's safeguarding procedures should be followed.

If serious concerns are identified or a student's ability to continue on the course is not possible, a panel meeting will be called to review the case. This will be chaired by the Assistant Principal- Student Experience (DDSL).

If the student is under 18, their parents/carers/ Social Worker (if CLA) should be invited to the meeting. Relevant medical professionals should be invited to the meeting/ invited to contribute to the meeting. Support will be provided for students as necessary to act as advocates and meet individual needs, i.e. ALS, interpreters etc. This support should be arranged by the by the Assistant Principal Curriculum prior to the review and in negotiation with the student. At this point, a decision will be made as to whether the student will be able to continue studying at the College. As at Stage 2, if a full withdrawal is deemed necessary, the student, and their parent/carer if under 18, must be informed in writing, within 5 working days of the panel meeting. The letter must

identify clearly, why the College is taking this course of action and what support can be offered both by the College and by alternative external agencies.

6. Return to Study

Following a period of absence from the College, it may be appropriate for the student to return to the College to continue their studies. If this is the case, then the student's situation/ well-being needs will be reviewed by the original panel with advice from medical professionals and an inclusive risk assessment and associated action plan will be completed. This will set out the risks and recommended measures for managing the risks. It will support the decision of whether a student is fit to study and what support would need to be in place and whether this is a reasonable adjustment/ reasonably manageable.

7. Interruption to Study

The College will endeavour to respond flexibly to any request to suspend studies on the grounds of mental health to enable a period of recovery. An appropriate period of recovery may be negotiated after which the college may require evidence to confirm that the student is fit and able to return to their studies.

8. Appeals

Students have the right to appeal against a decision of the Fitness to Study meeting on the following grounds:

- The College failed to follow its own procedure
- 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 received within 10 working days of the panel's decision and must be in writing to the Vice Principal- Student Experience clearly identifying the reasons for the appeal. An appeal panel will be convened and will include the following staff:

- Vice- Principal Student Experience (Designated Safeguarding Lead)
- Assistant Principal from a curriculum area not related to the learner.

Students have the right to present their case in person to the appeals panel at an appeal hearing, with one other person in attendance to support them, for example a parent or carer. The panel may either:

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

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

9. Access to the Policy

This policy will be published on the College website.

10. Review

This policy will be reviewed on an annual basis and when there are substantial changes to personnel or related policies.

11. Links to other Policies

- College Equality, Diversity & Inclusion Policy
- College Admissions Policy

- Learner Behaviour Policy
- Safeguarding Children & Vulnerable Adults policy

12. Roles and responsibilities

The Colleges Senior Management Team will monitor the implementation of the Policy and:

- ensure staff are aware and comply with the procedures
- actively promote this policy
- take corrective actions when issues for improvement are identified.

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