



Fitness to Study Policy

Introduction

1. Spurgeon's College is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his/her academic progression. The College has a responsibility to support students to feel and function well in order to maximize their potential while studying with us. There may be occasions where the health or wellbeing of a student deteriorates to the point where it raises questions about their suitability to continue their studies; their capacity to participate fully and interact with other members of the College, either staff or students; or their ability to use College premises appropriately.

2. The purpose of this Policy and Procedure is to outline the steps that the College will follow when concerns are raised about the fitness to study of one of its students or applicants, or when a student is returning to study following a break enforced by ill health. The procedure may also be used to assess whether a health condition or other issues may impact on the student's ability to successfully take part in a placement.

3. The policy aims to ensure that:

- Appropriate consideration is given to their personal situation, their health, wellbeing and/or any disability they may experience. This is balanced with the experience of other members of the College community;
- Study support is appropriate to meet the required learning outcomes of their course;
- Students who are experiencing difficulties are supported to address their difficulties at the earliest appropriate point;
- Students, where possible, take an active part in the process and are encouraged to make informed decisions regarding options available;
- Reasonable adjustments are considered and implemented and where appropriate reviewed;
- Students are offered a non-judgemental, consistent and sensitive approach to the management of issues. This may require different stages of response according to the perceived stage of concern;

- The College provides a suitable and co-ordinated network of support for a student when their ill health impacts on their ability to study;
- Behaviours which might usually be dealt with as a disciplinary matter are dealt with when appropriate in the context of a student's identified personal needs;
- Students properly consider the impact of ill-health on their ability to study when committing to the student contract;
- The College discusses with the student the likely impact the pressures of study might have on a student who is unwell, and whether there are strategies and support that could help them manage their studies successfully.

Scope and Purpose

4. It is important that students take an active part in the Fitness to Study process, and take appropriate steps to manage their own health and wellbeing in order to fulfil their academic potential. This can include working with relevant agencies and support organisations. The Fitness to Study Procedure is complementary to other means of managing concern about conduct or academic progress where there is sufficient concern about a student's behaviour, attendance and/or academic progress. This can be driven by mental or physical ill health or disability or have an impact on the health and safety of other people.

5. The policy may be used for all stages and modes of study: non-accredited, undergraduate, postgraduate taught, postgraduate research, and for part time, full time and online study. The policy applies to applicants as well as enrolled students.

6. Actions taken as a result of this Policy and Procedure are not of a disciplinary nature. If action is taken about a student who is not fit to study, it will be limited to that which is necessary to protect as far as possible the interests of the student in question and all members of the College community. Depending on the nature and seriousness of the issue, we may also consider behavioural concerns under the Conduct and Discipline of Students Procedure at any time during the Fitness to Study process.

Grounds for concerns about a student's Fitness to Study

7. These might include (but not be limited to):

- progressive or sudden deterioration in a student's attendance, engagement, quality of work, demeanour, or behaviour;
- that serious concerns about the student's well-being or safety have been expressed to an Academic, Personal Tutor, or Supervisor, or Chaplain, by a member of College staff; another student; a placement provider; or a an external agency (e.g. care team), that indicate that there is a need to address the student's Fitness to Study;
- the student has told a member of the College that they have a problem and/or provided information that indicates that there is a need to address the student's Fitness to Study;
- the student has behaved in a way that would otherwise be dealt with as a disciplinary matter, but independent evidence has been provided to show that the student's behaviour may be the result of an underlying physical or mental health problem linked to their Fitness to Study;
- the student's participation in their programme (including placements or other course related activity) or their agreed research activities is not enabling them to make progress with their studies or research and there is reason to believe that this is linked to their Fitness to Study;

- the student's physical behaviour or demeanour is not acceptable or is causing others to fear for their safety, including other students, College staff and/or third parties, and is thought to be the result of an underlying physical or mental health problem;
- when a student has disclosed to the College that they have a physical or mental impairment that has a substantial and long-term negative effect on their ability to undertake normal daily activities as a student.

Fitness to Study Procedure - Stages 1 and 2

Stages 1 and 2 of the Fitness to Study procedure are for members of staff to raise issues of concern about a student with the student, to try and identify the cause of those concerns, and to agree an action plan to support the student in effectively engaging with their studies.

Stages 1 or 2 of the procedure can be initiated by a member of staff with a direct link or primary responsibility for the student's needs, or by the College Chaplain.

Stage 1 of the procedure entails one such member of staff having an informal meeting with the student to seek to identify the problem(s) and agree an action plan for the way ahead.

Stage 2 of the procedure is applicable where there is continued and ongoing concern following Stage 1, or when there is significant concern about a student's health, wellbeing, behaviour, safety and/or ability to study, meriting direct referral to Stage 2.

Stage 2 can also be used where the Director of Practical Training has concerns about how the student will be appropriately supported during their placement.

The pastoral tutor should contact and/or approach the student to request a meeting, as a result of concerns being raised about them in relation to their health, wellbeing and studying. The student will be made aware of the precise nature of the behaviour that has caused the concern. We usually aim to give the student at least 5 days' notice of the date of the meeting. The remit of the meeting is to discuss the reasons for concern with the student and agree with him/her a set of appropriate actions, which may involve the student agreeing to receive professional help and/or co-operate with a learning support plan offered by the College..

The pastoral tutor will chair the meeting with the student. The Chaplain and Learning Support Co-Ordinator should also attend. Where a placement is involved, the Director of Practical Training will attend. Other relevant members of staff may be invited to the meeting. The student should be informed who else will be present. The student will be advised that they may bring a companion for support if they wish. The companion is invited to support the student during the process, not to advocate on their behalf.

A list of agreed actions/outcomes should be documented by the pastoral tutor at the meeting, and a copy sent to the student and all other attendees no more than 5 working days after the meeting has taken place.

A secure record of these actions should be kept for an agreed period of time, in line with the College data retention policy.

In cases where the student is invited but fails to attend a stage 2 meeting, for example when a companion is not available to support them:

- One more attempt will be made to arrange a meeting with the student
- If the student does not attend this meeting, the situation should be discussed in the student's absence.
- If there are straightforward options about how to proceed, agreed expectations, support options and plans should be communicated to the student in writing with a timescale for completion and date of review.
- If the situation is more complex or unclear, steps should be taken to progress to a Stage 3 meeting.

The student should be made aware that if they do not meet to discuss concerns about their health and wellbeing then the meeting may still go ahead in their absence. It may be necessary at this point to consider either referring to stage 3 or using Disciplinary Procedures, depending upon what is deemed most appropriate based on the available information.

Fitness to Study procedure - Stage 3

Stage 3 of the procedure is used where there is ongoing concern following Stage 1 and/or 2, or when there is significant concern about a student's health, wellbeing, behaviour, safety and/or ability to study and engage appropriately in the College community. Where there are serious concerns regarding risk to the health and safety of the student and/or where there is a perceived threat and risk to others, cases will be referred directly to stage 3, without completing stage 1 or 2.

Break in Studies

Where a student is detained under the Mental Health Act the College will place them on an interruption of studies. This will be lifted once a Fitness to Study process has assessed the student's fitness to return to their studies. A stage 2 Fitness to Study meeting will be held to consider whether an action plan can be agreed for the student's return to studies, or whether the decision needs to be referred to a stage 3 Fitness to Study panel.

Temporary Suspension

At stage 3, a Fitness to Study Panel will be convened. Before the Fitness to Study Panel, the student will usually be temporary suspended from the College pending a panel decision.

The Vice Principals in consultation, may impose a temporary suspension for a set period of time, usually one month, with immediate effect. This is subject to regular review. A student who is temporarily suspended is prohibited from entering College premises and from participating in College activities without prior agreement in writing. If such a student is resident on site and their behaviour poses a risk to others, arrangements may need to be made for their secure relocation, in consultation with local social services.

The suspension may, exceptionally, be subject to qualification, such as the permission to enter College premises to attend a meeting with a tutor, Chaplain or learning support worker. The terms of suspension will be individual to each case and will be notified to the student in writing. A temporary suspension does not affect the student's status as a member of the College. This suspension is not intended to be punitive but to ensure the College can discharge its duty of care to the student and the wider College community.

A Fitness to Study Panel will be convened to consider the case. This may include staff who have a direct link or support role with the student. The panel will be chaired by a senior manager of the College.

The Members of the Panel will usually include:

- A College Governor
- A College Tutor
- The Chaplain, Learning Support Co-Ordinator or a Learning Support Worker
- The Senior Registrar (convenor and secretary)
- A Student Representative

Prior to or after the panel, the student may be asked to provide supporting medical evidence or attend an assessment of his/her fitness to study with a designated medical professional at their own expense. If students decline to provide evidence or attend the assessment, this may impact the outcome of the panel as panel members will be limited in the information they have available.

The student should be informed of the meeting and its purpose in a clear, written statement at least 5 working days before the meeting, They will have the right to bring a companion to the meeting. The companion's role is to support the student. The companion should not advocate on the student's behalf.

The Panel may order the proceedings at its discretion and may call witnesses if required. The student should be encouraged to prepare in advance for the meeting and may wish to write a short summary report for the meeting, to be submitted at least 48 hours in advance.

In preparation for the meeting key College departments may be invited to write a summary report of the present and past relevant/key issues. The contribution of representatives will be subject to Data Protection legislation and/or professional codes of confidentiality. This information will be sent to the Senior Registrar and may be circulated to staff attending the meeting and to the student and their nominated companion where instructed to do so by the student.

A letter will be sent to the student after the meeting setting out any decision made and the reasons for the decision. A report should be sent to all panel members no more than 5 working days after the meeting has taken place. A copy will be kept in the Student file in a confidential place for the duration of the student's studies at the College.

If the student does not attend the agreed meetings, for example when a companion is not available to support them:

- One more attempt will be made to arrange a meeting with the student
- If the student does not attend this meeting, the situation will be discussed in the student's absence
- Agreed expectations, support options and plans will be communicated to the student with a timescale for completion and date of review.

The student should be made aware that if they fail to take the opportunity to meet to discuss concerns about their health and wellbeing and/or fail to provide any supporting evidence of an underlying issues then it there may be no alternative but to move the case to be heard under the Conduct and Discipline of Students policy.

In cases where a break in studies is agreed it must be made clear what needs to happen in order for a return to study to be considered. Responsibilities for arranging meetings and obtaining evidence and documentation must be confirmed and included in the meeting notes.

In cases where withdrawal of the student is the recommended outcome of the meeting, the Chair of Governors must be notified.

Returning to Study

A Return to Study procedure should be used either where a student has had a break in studies under Fitness to Study Policy, or where a student has been detained in hospital under the Mental Health Act, and wishes to return to their studies.

In cases where the outcome of the Fitness to Study procedures result in a break in studies, the procedure for considering a return to study should be made clear to the student at the time of their interruption.

Prior to the College agreeing to a return to studies, the student will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return. They will usually be asked to meet with a designated medical professional at their own expense. The precise nature of the evidence required from the student will be dependent on the individual circumstances.

Where a student returns to study after a break in studies under this policy the Learning Support Department will consider any support that the student may require to support a return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the student will take personal responsibility for fully engaging with this support.

The decision to approve a student to return to study will be taken by a Fitness to Study Panel and will be communicated in writing to the student prior to their return, and any requirements and special arrangements will be made clear. The College will determine the ongoing arrangements to support and review the progress of the student to minimize risk of a recurrence of the original difficulties.

Appeals

A student may request a review of a Fitness to Study Panel decision reached at Stage 3. Students should note that a request for review of a decision will only be accepted if there is evidence of the following:

- (a) The correct procedure has not been followed
- (b) Further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Panel.

Students should request a review with the Senior Registrar or their nominee by submitting a written statement detailing the grounds for request within 10 working days of being notified of a decision at Stage 3.

The Senior Registrar or nominated representative will establish, whether there is a case for consideration, or whether to dismiss the request and inform the student in writing of the reasons for doing so. If it is decided that there is a case for a review, the Senior

Registrar may refer the case to an Appeal Panel. This will normally consist of the Principal as Chair (unless they have been involved in the Fitness to Study Panel), a Governor (other than any Governor involved in the Fitness to Study Panel) and an external member of the Academic Board. If the Principal has been involved in the Fitness to Study Panel, their place will be taken by another Governor or external member of the Academic Board, and one of the Governors will chair the Appeal Panel.

Completion of Procedures

At the conclusion of our procedures a student will be offered a Completion of Procedures letter signifying the end of the College's internal Appeals Procedure. A Completion of Procedures letter is required should the student wish to advance a complaint with the Office of the Independent Adjudicator regarding their appeal.

Office of the Independent Adjudicator (OIA)

Students who have exhausted the College's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at www.oiahe.org.uk) contains full information, and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57 – 75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813. email: enquiries@oiahe.org.uk. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

Applicants

Where concerns are raised in relation to an applicant's fitness to study prior to their enrolment, the Director of Admissions should arrange a meeting with the applicant with the aim of ascertaining whether the College can support them in the successful enrolment in and completion of their studies. This may involve referral to a Mental Health Advisor or another health professional for assessment, if deemed necessary.

The applicant will be invited to discuss the concern and the Director of Admissions will seek to establish the applicant's perception of the concern. The Director of Admissions may speak with other relevant members of staff as is appropriate in order to deal with the matter.

If the Director of Admissions feels that there is an issue of concern regarding the applicant's fitness to study, s/he may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:

- Draw up an action plan, to be monitored by the Learning Support Department and/or the Chaplain, with the agreement of the applicant, setting out how the matter is to be dealt with and any conditions to be placed on the applicant prior to and during the enrolment phase and during their initial studies (for example, in relation to their behaviour or in relation to support they should seek). The Director of Admissions will set a review date and will notify the applicant that if any conditions set out in the action plan are not complied with, and/or if there is a continuation of the same or any additional concern, these issues will be discussed at the review meeting and may result in the applicant being referred back through the Fitness to Study process for further assessment after enrolment.

- Recommend that the applicant defer their studies until such a point as they are well enough to study. The applicant will be advised that when they do wish to take up their

studies, they may be asked to provide satisfactory evidence that they have overcome the original difficulties and are fit enough to study. This may involve referral to a Mental Health Advisor or another health professional for assessment, if deemed necessary.

The Director of Admissions will notify the applicant in writing, with reasons, of decisions reached and provide the applicant with a copy of any action plan normally within 5 working days of the meeting. A written record of the meeting and a copy of any action plan will be sent to the Senior Registrar normally no more than 5 days after the meeting.

If the applicant refuses to or cannot attend the meeting, the Director of Admissions will need to decide whether to try and reorganise the meeting, or to make a decision based upon the information available to them at the time.

An applicant may request that the Academic Director review any decision reached prior to enrolment. Applicants should note that a request for review of a decision will only be accepted if there is evidence of the following:

- (a) The correct procedure has not been followed
- (b) Further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Panel.

Applicants should lodge any request for review with the Academic Director or their nominee by submitting a written statement detailing the grounds for request within 10 working days of being notified of a decision.

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