

Fitness to Study Policy For Students

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Policy owner	Kay Burton-Williams
Policy author	Kay Burton-Williams
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1. AIM

The College seeks to provide a safe and comfortable learning environment where students are able to study and perform to the best of their ability and reach their full potential. The College will support students and make reasonable adjustments to help them reach the appropriate standards for success in their studies and on their placements.

However, the College also needs to respond appropriately to situations where signs of ill health (including mental health difficulties, psychological, physical, personality or emotional disorders) are having a serious impact on the functioning of individual students or the wellbeing of others around them. If you perceive there may be a risk when speaking to a student, please consider the following:

- Will this person be at increased risk of harm to themselves or others if they engage in or continue a programme of academic activity?
- Will this person be at increased risk of harm to themselves or others if they intend to start or complete a placement for their course?

Where these circumstances arise, the question of fitness to study/practice will be considered in line with this policy and related policies detailed in section 8. Where presenting factors are wholly related to behaviour only the Positive Behaviour Policy should be used.

2. PURPOSE

The college expects all learners to maintain behaviours as outlined within our Ready, Respectful, Safe ethos, which enables us to create learning environments which are safe and supportive. Where behaviour or conduct fall below these expectations, the college's Positive Behaviour Policy will apply.

We acknowledge that there may be circumstances where wider context, specialist intervention (internal or external) and impact on self and/or others may mean that a student is unable to recognise or determine that they are placing unreasonable demands on themselves, college staff or college resources. or that their circumstances are having an adverse effect on the success and wellbeing of themselves and/or others.

This policy is underpinned by the college's Positive Behaviour Policy and may be invoked following identification that it would be inappropriate to use the college's disciplinary process to address concerns relating to attendance, participation, completion of work or other expectations within the Ready, Respectful Safe ethos as a result of:

- a) aspects of the learner's personal life having significant impact on learning;
- b) a medical condition;
- c) mental health illness or difficulties evidence;

- d) behaviours considered to put a student or others at significant risk.

Where the behaviour of a learner presents an immediate significant risk to the safety of themselves or others (crisis situations), the appropriate procedures should be followed and if required emergency service should be notified immediately. All instances must be reported to the senior manager on site at the time of the incident and the SLT duty manager.

The College will take reasonable steps to ensure that learners are not placed at a substantial disadvantage due to their disability or additional learning need.

The criteria for judging 'reasonable' includes consideration that they do not compromise academic standards, the ability to achieve the requirements set out by the awarding body, health and safety or the relevant interests of other individuals. All reasonable adjustments should be financially reasonable and practical and the college will use its best endeavours to support all learners.

3. HANDLING CONCERNS AND DISCLOSURES

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 in accordance with the Data Protection Act 2018. Sensitive personal data and confidential information will only be disclosed to third parties with the express informed consent of the student. However, there may be occasions where the College is obliged to disclose and/or request information, notwithstanding that the student has refused consent, these include:

- Where the student's behaviour threatens their safety or the safety of others; and / or
- Where a member of staff of the College would be liable to civil or criminal penalty for failure to disclose.

Consent will be sought to share information we hold with all relevant staff members where it is deemed appropriate to ensure the support and safety of learners and staff.

4. INITIAL SUPPORT AND GUIDANCE

Prior to this process being invoked, there must be evidence which supports an on-going supportive dialogue between the student, curriculum and support staff, and where appropriate, a parent / guardian.

Evidence of prior disclosure at application/enrolment or induction, meetings, action plans and reviews should be evident and available on ProMonitor. High quality teaching with a collaborative and a holistic support offer should enable most students to successfully transition through periods of personal change and challenge.

Wider college support includes:

- a) Personal Tutors
- b) Subject Tutors
- c) Tutorial Facilitators
- d) Inclusive Support team

- e) Pastoral & Welfare team including (Counsellors/Performance Coaches)
- f) External Support Agencies

5. RESPONSIBILITIES

- 5.1. Where a disclosure relating to an additional learning need, disability or medical need is made during the admissions cycle (application, interview, or enrolment) a referral will be made to the Inclusive Support Team.
- 5.2. Where a disclosure is made whilst on course the course tutor should inform a member of the Inclusive Support Team or Pastoral & Welfare Team (depending on the nature of the disclosure) immediately.
- 5.3. It is the responsibility of the Pastoral & Wellbeing Team to ensure the appropriate Deputy Designated Safeguarding Lead is notified of the disclosure where this relates to mental health or any safeguarding concerns.

6. PROCEDURES

6.1. Admission, Interview and Selection Processes

The college recognises the importance of ensuring that learners have fair access to appropriate learning opportunities which provide a foundation for the greatest possibilities to live a fulfilled adult life, and where possible, pursue meaningful paid employment. It is essential that the college fulfils its own duties in ensuring that applicants are physically and emotionally fit and able to undertake and participate in all aspects of learning (practical and theory), including a relevant work placement where required.

The admissions process takes every reasonable step to ensure that applicants are supported and given appropriate information relating to the demands of a course and the support available to learners. There is guidance relating to the support available to learners on the college's website.

The college must have regard to its duty of care in relation to safety, health and wellbeing and the safeguarding of its learners and staff. Where a member of staff has concerns, that by making a course offer, the course demands are likely to have a detrimental effect on the applicant and/or others, a referral to the Head of Pastoral & Welfare / Head of Student Experience, clearly outlining any cause(s) for concern should be made.

Where the college feels that there is insufficient information available to make an informed decision around managing risk based on disclosure, we will request an applicant's express written permission to obtain further information and evidence from relevant professionals (GP, healthcare professionals and other external support agencies). If the applicant declines the college's request for permission to seek further information and/or fails to provide details of professionals or support services, the college may reserve the right to withhold or withdraw the offer of a course place to the applicant.

Any information disclosed or subsequently provided will be used for the sole purpose of creating a risk assessment and support plan to enable the college to better understand how to best provide support and manage potential risk.

An applicant may be advised to apply for a different course or offered an appointment to gain advice and guidance on other study pathways. In such cases, the college will provide the reasons linked to the decision made.

It is not necessary to progress through each level of the process in every case. Identification of the appropriate level of the procedure to use will be determined following risk assessment by the Inclusive Support Lead or Performance Coach Team Leader dependant on the area of concern. Where a serious risk is identified, the procedure may be entered at Level 2 or 3 depending on the level of risk. Should a student be unwilling to participate in the procedures, the process will continue in their absence with all options remaining available.

6.2. Level 1: Emerging Concerns

Applies where emerging concerns about a student's health, safety or wellbeing are raised.

- 6.2.1. A supportive exploratory meeting will be arranged involving relevant staff. The staff involved will be the Department Manager, Inclusive Support Lead, Performance Coach Team Leader and may also include a Personal Tutor, Deputy Department Manager, Performance Coach, Director of HE (where this relates to a HE student). Where applicable, external agency personnel may also be invited to attend. Other College staff may be called to the Case Conference if they have relevant information for the case. In all cases involving learners aged 18 or younger, or up to 25 with an EHCP, a parent or carer should be contacted and present wherever possible. If the learner is over 18 years of age they are entitled to support but not from any legal representative.
- 6.2.2. Evidence must be provided for the case being discussed
- 6.2.3. As a result of the meeting the following action will be taken:
 - a) Implementation of any reasonable additional support needs/adjustments either within the teaching or pastoral environments.
 - b) An action plan with SMART monitoring targets to address the issues discussed. This may involve referral to external agencies.
 - c) Permission will be sought to disclose to relevant staff as appropriate.
 - d) All outcomes are to be recorded on ProMonitor.

6.3. Level 2: Continuing or Strong Initial Concerns

Applies when continuing or serious concerns about a student's health, safety or mental wellbeing are raised. Staff should refer to the Inclusive Support Lead or Performance Coach Team Leader dependant on the area of concern.

- 6.3.1. A supportive meeting will be arranged involving relevant staff. The staff involved will be the Department Director, Inclusive Support Lead, Head of Pastoral & Welfare or Performance Coach Team Leader dependant on the

area of concern. This may also include a Personal Tutor, Performance Coach, Deputy Department Manager and/or external agency staff, Director of HE (where this relates to a HE student). Other College staff may be called to the Case Conference if they have relevant information for the case. In all cases involving learners aged 18 or younger, or up to 25 with an EHCP, a parent or carer should be contacted and present wherever possible. If the learner is over 18 years of age they are entitled to support but not from any legal representative. If this is the follow up meeting to Level 1 then the same staff should be involved as far as practicably possible.

- 6.3.2. Discussions will involve establishing whether further reasonable adjustments or support can be put in place to enable the learner to continue their studies. The outcome may be:
- a) Withdrawal from the course with a view to re-enrolling at a future date. This may or may not be the same course dependant on the nature of the concerns.
 - b) Transfer to an alternative course / college site 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 Department Director for a decision on whether the Positive Behaviour Policy applies (disciplinary) and/or whether there is a recommendation for exclusion temporary or permanent.

Where there is a recommendation for a temporary exclusion the Department Director will coordinate appropriate support plans to enable engagement with learning remotely during the period of exclusion* (*where appropriate and available) alongside the arrangement of support to re transition into college once the temporary exclusion period has concluded.

6.4. Level 3: Immediate and Serious Concern or No Progress from Level 2

Applies when there are immediate and serious issues or where no progress from previous concerns has been made and where a learner's actions or behaviours are putting the health, safety, wellbeing or academic progress of themselves or other individuals at significant risk and /or are likely to adversely affect the reputation of the College.

- 6.4.1. If the case is the result of an incident which falls into one of the above categories, first responders should ensure they minimise any immediate danger to the individual or witnesses whilst not exposing themselves unnecessarily to personal danger.
- 6.4.2. A Senior Manager / SLT Duty Director should be informed immediately.
- 6.4.3. A member of the Pastoral & Wellbeing team (Performance Coaches/Counsellor) should be contacted immediately.
- 6.4.4. External agencies (police and/or medics as appropriate) should be contacted as required.
- 6.4.5. The student should be suspended until a case conference can be convened. This should be within 5 working days of the incident. Where there are

extenuating circumstances the student will be kept informed and the meeting held no longer than 10 working days following the suspension.

- 6.4.6. Parents or Carers must be informed of the suspension where the student is aged under 18 or 25 with an EHCP.
- 6.4.7. A case conference will be held with the following staff involvement: Senior Curriculum Director or Vice Principal, Director of Student Experience or Director of Inclusive Support dependant on the concern area. The panel may also include the Department Manager, Head of Pastoral & Welfare, Inclusive Support Lead, Director of HE (where this relates to a HE student). Other College staff may be called to the Case Conference if they have relevant information for the case. The case should be discussed before the student is invited into the panel. In all cases involving learners aged 18 or younger or up to 25 with an EHCP, a parent or carer should be invited. If the learner is over 18 years of age they are entitled to support, but not from any legal representative.
- 6.4.8. Any medical reports relating to the learner should be presented to the panel to facilitate the construction of a risk assessment in the panel pre-meeting.
- 6.4.9. If the panel has convened as a result of an immediate and serious incident the risk assessment will inform whether a supportive action plan can be put in place in order for the learner to remain at college. If this is the case, the action plan should be revisited after 4 weeks to ensure progress is being made, the panel should re-convene to discuss this.
- 6.4.10. If the panel has met as a result of no progress concerns from level 1 a decision should be made about whether the learner remains on their course. The following outcomes may be considered for both 6.4.8 and 6.4.9:
 - a) Exclusion Temporary or Permanent from College.
 - b) If appropriate, completion of the course as a distance learning package may be considered.

6.5. Monitoring & Review

- 6.5.1. Each panel meeting will be chaired by the following managers/leaders Level 1 Department Manager, Level 2 Department Director, Level 3 Senior Curriculum Director. Each panel chair is responsible for ensuring compliance with the Policy framework and that each case is reviewed individually whilst considering the impact of any measures on the student, staff and the college more widely.
- 6.5.2. Panel outcomes from each level will be monitored to ensure fairness and quality of panel review. Reviews will take place termly within review boards.
- 6.5.3. The right of appeal as detailed in section 7 will apply only in the case of a decision to exclude.

7. APPEALS

The student has a right of appeal where the decision has been made to exclude. All appeals should be made in writing to Quality@bmet.ac.uk within 5 working days of the decision. Appeals will be reviewed by the Deputy Principal and the decision of the appeal will be final.

Exclusion will preclude a learner applying for another course at the college until the following academic year or a period of 6 months depending on when the exclusion has occurred. Should the student wish to apply for further study at a future date, the college will require evidence from an external professional that they are fit to return to study with reasonable adjustments if required and will convene a meeting with the student and external agency prior to attending an advice and guidance interview. This meeting will include representation from staff previously involved with the case where possible.

8. RELATED POLICIES

- a) Child Protection & Safeguarding Policy
- b) Mental Health Policy
- c) Diversity and Inclusion Policy
- d) Positive Behaviour Policy
- e) Inclusive Support Policy
- f) Admissions Policy
- g) General Data Protection Policy

Appendix 1: Escalation Levels and Responsibilities

	Level 1 Initial or Emerging Concern	Level 2 Continuing Concern or Significant Initial Concern	Level 3 Serious or Persistent Concern
Examples of concern*	Emerging ill Mental Health concerns (full spectrum) or substance (drugs/alcohol etc) use which may impact on the individual student's ability to engage appropriately in college life.	Established or worsening of level 1 ill Mental Health concerns (full spectrum) or substance (drugs/alcohol etc) use which are impacting on the individual student's ability to engage appropriately in college life with potential risk to other students by witnessing distressing actions/scenes.	Significant or worsening of level 2 ill Mental Health concerns (full spectrum) or substance (drugs/alcohol etc) use which are causing harm to the student and impacting their ability to engage appropriately in college life. Student is unable to keep themselves safe at college and may pose or pose a significant risk to others. Risk to other students by becoming involved or witnessing distressing actions/scenes.
Facilitator**	Curriculum Department Manager** and in support dependant on the nature of the concern Inclusive Support Team rep or Pastoral & Welfare Team rep.	Curriculum Department Director** and in support dependant on the nature of the concern Inclusive Support Lead Pastoral Manager	Curriculum Senior Director or Vice Principal** and in support dependant on the nature of the concern, Director of Inclusive Support, Director of Student Experience (DSL/SMHL).

Meeting Panel	<ul style="list-style-type: none"> • Student (where possible) • Parent/Carer under 18s or up to 25 with an EHCP • Curriculum Department Manager • Inclusive Support rep • Pastoral & Welfare rep • External agency (where applicable) • Director of HE (where this relates to a HE student) 	<ul style="list-style-type: none"> • Student (where possible) • Parent/Carer under 18s or up to 25 with an EHCP • Curriculum Department Director • Inclusive Support Lead • Deputy Director Student Experience • External agency (where applicable) • Director of HE (where this relates to a HE student) 	<ul style="list-style-type: none"> • Student (where possible) • Parent/Carer under 18s or up to 25 with an EHCP • Senior Curriculum Director or Vice Principal • Director of Inclusive Support • Director of Student Experience (DSL/SMHL) • External agency (where applicable) • Director of HE (where this relates to a HE student)
Additional Meeting Panel as required	<ul style="list-style-type: none"> • Deputy Department Manager • Personal Tutor • Tutorial Facilitator <p>Other College staff may be called to the Case Conference if they have relevant information for the case</p>	<ul style="list-style-type: none"> • Department Manager • Deputy Department Manager • Pastoral Manager <p>Other College staff may be called to the Case Conference if they have relevant information for the case</p>	<ul style="list-style-type: none"> • Department Director • Deputy Director Student Experience <p>Other College staff may be called to the Case Conference if they have relevant information for the case</p>
Recording Methods(s)	<p>Accurate minutes of meeting and actions – upload to Admin MS Teams Site/ Safeguarding My Concern as required.</p> <p>Flag on ProSolution (Admissions/Enrolment) Student Record</p>		

*these examples are not exhaustive, each case must be assessed on its own merit and circumstances.

**process owner responsible for oversight of communications, correspondence and records (via the Admin Hub support).