

Askham Bryan College

Last Review: August 2017

Reviewed by: DoSS/SMT

Next Review: August 2019

STUDENT FITNESS TO STUDY POLICY AND PROCEDURE SCA36

1. INTRODUCTION

- 1.1 Askham Bryan College is committed to supporting students and recognises that a positive approach to the management of physical and mental health and behavioural issues is critical to student learning and academic achievement. Additionally, the College has a duty of care to all within its community and a responsibility to take action to support those in distress or causing significant concern or presenting a risk to themselves or others. This will include for instance situations where a student shows visible signs of illness, mental health difficulties or emotional or behavioural disorders that may have a negative impact on the health, safety, learning and wellbeing of themselves or others. This policy is designed to support any student whose ability to cope with college life, to study or progress on their course is compromised as the result of one or more of these factors.
- 1.2 A student's fitness to study may be questioned by the College where it is concerned that a student's health or wellbeing, or behaviour or omission by them arising in connection with their health or wellbeing, may pose a risk:
- *to the student's own health, safety or welfare or that of other persons, or*
 - *of disruption to their studies or the studies and student experience of others, or*
 - *of unreasonable demands being placed on staff or other students, or*
 - *of interference with the day-to-day functions and activities of the College including (but not limited to) delivery of its teaching and ancillary services, support and accommodation.*
- 1.3 The term 'fitness to study' as used in this Policy and Procedure relates to the entire student experience and the student's membership of the College community and not just to a student's ability to engage with their studies. The College requires its students to be able to live independently if residential and study in harmony with and respectfully of each other as members of the College community and not to conduct themselves in a way which has an adverse impact on those around them or in contravention of the Student Code of Conduct and Residential Rules.
- 1.4 Whilst the College has disciplinary mechanisms in place to deal with students whose conduct falls outside expected standards (see Code of Conduct and SCA2 – Behaviour Management Policy), the College recognises that a student's conduct, whilst it may be disrupting or threatening to disrupt this environment and the College community, may in some cases arise in connection with a concern about the student's health (physical or mental) or general wellbeing and as a result the student's fitness to study at the College within this environment and the College community may be called into question. In such cases, the College may consider it inappropriate to deal with the matter under its disciplinary policy by reason of the health or wellbeing concern.

Askham Bryan College

- 1.4 A concern regarding a student's fitness to study may arise as a result of a wide range of circumstances. These include (but are not restricted to) the following:
- Concerns about the student are raised by a third party (e.g. other residential student, friend, colleague, member of College staff, placement provider, member of the public, medical professional, etc) .
 - The student has told a member of College staff that they have a problem and/or provided information which indicates that there may be a need to consider their fitness to study.
 - The student's disposition is such that it indicates that there may be an underlying mental health or wellbeing problem (for example if they have demonstrated mood swings; shown signs of depression; become withdrawn).
 - Behaviour, which would otherwise be dealt with as a disciplinary matter, which may be the result of an underlying physical or mental health or wellbeing problem.
 - The student's academic performance does not meet the minimum expected standards, which may be the result of an underlying physical or mental health or wellbeing problem.

In all cases, concerns should be raised and further guidance sought from the student's Section Leader / Academic Leader (HE) in the first instance.

In taking any steps under this Policy and Procedure the College will have regard to its legal obligations under equality and health and safety legislation.

- 1.5 For the avoidance of doubt, the College may however use any of its procedures at any stage to manage matters as it considers appropriate and reasonable in the circumstances. In particular, the College may use its disciplinary procedure to deal with behaviour notwithstanding a concern regarding the student's health or wellbeing depending on the individual circumstances of the case.
- 1.6 If there is any uncertainty in relation to which College procedure should be used, guidance should be sought promptly from the Director of Student Services.
- 1.7 Where students are also undertaking study or work based learning in context of a professional statutory regulatory profession, this policy should be used in conjunction with SCA39 Professional Practitioner Policy.

2. **SCOPE**

- 2.1 This Policy and Procedure applies to all students of the College. They apply to students at all times including when on College related activities such as placements or fieldtrips. They apply regardless of a student's mode of study (e.g. distance learning). They apply to students previously enrolled with the College who request a return to study.

3. **INITIAL SUPPORT AND GUIDANCE TO STUDENTS**

- 3.1 Students with a mental or physical health difficulty, firstly:

Askham Bryan College

- Are encouraged to consult all relevant support services available at the College, and in particular the College's Partner Medical Centres (for residential students) or their own GPs, the Student Counselling Service and the Student Wellbeing Co-ordinator (further information on these services can be found by visiting the Student Services web-pages).
- Are expected to speak to their Course Manager or another appropriate member of staff in their academic section about the difficulty and any related problems that they may be experiencing.
- Are encouraged to involve the support of a parent, guardian or friend as an advocate as necessary.

4 PROCEDURE

4.1 The Procedure has three levels. Depending upon the individual circumstances of a matter and the College's perceived severity of the situation and seriousness of any risks, action may be initiated by the College at any of the three levels without any requirement for the College to have first commenced or exhausted an earlier level.

4.2 CRISIS SITUATIONS

It is possible that it is considered that a student may pose such an extreme risk to themselves and/or others that that they require emergency assistance outside of these procedures. In such cases a Senior Postholder will be informed and an emergency response coordinated. The emergency response may include immediate temporary suspension from the College and/or involvement of support services, local authorities and the Police. Such a suspension will be reviewed every 48 hours by a Senior Postholder until the Senior Postholder is satisfied that the crisis has passed. On reaching this judgement the student will be immediately referred to the Senior Postholder Review Panel. (SEE stage 3)

5 STAGES OF THE PROCEDURE

5.1 STAGE 1 – INFORMAL ACTION BY THE SECTION

FOR USE WHEN CONCERNS EMERGE ABOUT A STUDENT'S HEALTH AND SAFETY AND ABILITY TO STUDY BASED ON A DETERIORATION IN HEALTH, MENTAL WELLBEING OR BEHAVIOUR

- 5.1.1 A member of staff should approach the student and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be a member of staff within the academic department with primary responsibility and/or knowledge of the student concerned (e.g. their Programme Manager or Section Leader / Academic Leader (HE)). However, if concerns arise within the student residences, then the Student Services Manager should take the lead, in consultation with the student's section.
- 5.1.2 The relevant member of staff will ensure that the student is made aware of the precise nature of the fitness to study concern and the information in support of the concern including the level of any perceived risk presented by the student. The member of staff will attempt to resolve the matter by discussions with the student. The student will be given the opportunity to respond to the concerns raised and to explain their own views on the matter, and will be encouraged to think about using one or more of the support

Askham Bryan College

services offered by the College. The student and member of staff should agree on actions to be taken. The occurrence of the discussion and agreed actions will be documented on the College student monitoring system (Promonitor) along with any referrals made. A copy of the actions agreed should be given to the student. A review date should be agreed and included on the action plan.

- 5.1.3 It is hoped that in most cases issues can be resolved at this level, and that students will respond positively, co-operating fully with the process and taking advantage of the support available.
- 5.1.4 At the end of the review period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the Procedure.
- 5.1.5 If a student is unable or unwilling to co-operate with the above process or to modify their behaviour, the College may proceed to deal with the matter under level 2 and/or 3 of the Procedure where appropriate. The College can implement the Procedure at any stage notwithstanding the failure or inability of the student to co-operate.

5.2 STAGE 2 – CASE REVIEW PANEL

FOR USE WHEN CONTINUED CONCERN ABOUT A STUDENT WHO HAS BEEN SUPPORTED THROUGH STAGE 1 OR THERE IS A SIGNIFICANT INITIAL CONCERN ABOUT A STUDENT.

- 5.2.1 If the action taken under Stage 1 is not deemed successful by the College, or the College considers that the case is too serious to be dealt with through informal action, Stage 2 of the Procedure may be invoked. A meeting of a Case Review Panel shall be convened by the appropriate Director of Curriculum (or Director of Student Services for residential students only, where the issues are manifested solely in relation to their residential status). The Panel, made up of appropriate representatives of the student's academic section (normally the Section Leader / Academic Leader (HE) and Programme Manager) and if residential, the Student Services Manager.
- 5.2.1 The student will be given at least 7 working days notice of the Case Review Panel and informed of the purpose of the meeting.
- 5.2.2 The student may be accompanied at the meeting by either a Students' Union representative, a fellow student, a parent, or other family member or friend, but NOT by a legal adviser. Disabled students may also be accompanied by a support worker if required.
- 5.2.3 The purpose of the meeting will be to ensure that:
- The student is made fully aware of the nature of the concerns which have been raised,
 - The student's views are heard and taken account of,
 - The student is fully aware of the possible outcomes if difficulties remain.
 - All appropriate support is being provided.

Askham Bryan College

5.2.4 The Case Review Panel will order its proceedings at its own discretion, and institute enquiries to assist its deliberations.

5.2.5 OUTCOMES

The Case Review Group can decide:

- That no further action is required;
- To formally monitor the student's progress for a specified period of time. In this case an action plan will be agreed with the student, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being considered at Stage 3;
- To impose part-time study (where appropriate and available) or that special academic arrangements be put in place. Such recommendations would need to be agreed by the student's section and by the student. The student will be informed that unless these arrangements remedy the concerns to the College's satisfaction, their fitness to study may be considered at Stage 3;
- Where the student is on work placement, to require the student to suspending the placement or (if available) switch programmes to a 'without placement' equivalent.
- With the consent of the student, to agree that their studies be suspended for a mutually agreed period of time;
- To recommend withdrawal of the student from residential accommodation either on a temporary or permanent basis. Where this is the case, the Panel will consider how to reasonably support the student to study effectively. Where removal from accommodation is temporary, a review date will be set by the Panel. (See Clause 7 re 'Return to Accommodation'.)
- To refer the case to a Senior Post Holder to be considered under Stage 3 of this Procedure. This will only be appropriate in the most serious of cases, where for example evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may (without any prejudgement of the matter) be the appropriate course of action.

The decision of the Case Review Group with reasons, together with a concise record of the meeting, will be sent to the student normally within 7 working days from the date of the meeting, and a copy kept on the student's personal files.

5.3 STAGE 3 – SENIOR POSTHOLDER REVIEW PANEL

FOR USE EITHER WHEN THE MOST SERIOUS LEVEL OF CONCERN HAS BEEN REACHED EITHER VIA PROGRESSION THROUGH STAGES 1 AND/OR 2 OR AN EMERGING OR NEW SIGNIFICANT CONCERN ABOUT THE HEALTH AND WELLBEING OF A STUDENT.

5.3.1 This level of the Procedure will only be implemented following a referral from a Stage 2 Case Review Panel, or if the student has been previously suspended due to a Crisis Situation, or if in the opinion of the Designated Safeguarding Officer (having consulted

Askham Bryan College

as appropriate) concerns are raised which are sufficiently serious as to warrant the consideration of the student's suspension or exclusion (e.g. if they pose a serious risk to the health and safety of themselves or others or serious disruption to the working of the College).

- 5.3.2 As a first step a Senior Postholder shall consider whether suspension of the student pending further action is appropriate.
- 5.3.3 The Senior Postholder shall then convene a Review Panel which shall be chaired by the Senior Postholder. This will normally comprise the Senior Postholder, the Section Leader / Academic Leader (HE), the Director of Student Services and an independent member of the senior management team judged appropriate.
- 5.3.4 The relevant PA to the Senior Postholder will fix a date for a formal meeting of the Review Panel to hear the case and invite the student to attend to discuss the concerns and all relevant issues. The relevant PA will act as Clerk to the Panel .
- 5.3.5 The student will normally be given at least 7 working days' notice of the meeting of the Senior Postholder's Review Panel. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting, and asked to provide any documentation he /she may wish the Group to consider in good time for the meeting.
- 5.3.6 The student may be accompanied at the meeting by a Students' Union representative, a fellow student or other adviser agreed in advance by the Chair, but NOT by a legal adviser. Disabled students may also be accompanied by a support worker where required to ensure fair access to the process.
- 5.3.7 The purpose of the meeting will be to consider the fitness to study concern and the evidence available, and the student's perception of these concerns, and to reach an appropriate decision and action plan or other outcome.
- 5.3.8 The Senior Postholder's Review Panel will order its proceedings at its discretion and institute enquiries to assist its deliberations, including Student Services or academic staff working with the student, of the Student's fitness to study.
- 5.3.9 The student shall be notified of the decision made by the Senior Postholder with reasons in writing within 7 working days of the meeting of the Senior Postholder's Review Panel. This may include one or more of the following outcomes:-
- To formally monitor the student's progress for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan.
 - That, following consultation with the academic section, the student should convert from full- time to part-time study with support; special academic arrangements are put in place; or an interruption of studies occurs.
 - To suspend or exclude the student.
 - Any other action considered to be appropriate and proportionate, which may include

Askham Bryan College

temporary or permanent withdrawal from accommodation.

6. RETURN TO STUDY

- 6.1 After a period of suspension on health grounds, the decision as to whether to permit the student to return to study will be made by the Senior Postholder.
- 6.2 Students will only be permitted to return if, the College is satisfied that the individual is fit to study and able to comply with any conditions imposed on their return. Each student's case will vary depending upon the context and specific circumstances out of which the original concern arose. In all cases return to study will be dependent upon evidence of fitness to study such as a GP's letter and of appropriate support systems. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student, their programme of study and the demands of education in order to make an informed decision regarding return to study (as opposed to their general wellbeing). In particular, specific reference should be made to the student's capacity to return to study. The decision to allow return to study must also take into account compliance with any conditions imposed, regulatory requirements, and the availability of support upon return.
- 6.3 The relevant Section Leader / Academic Leader (HE) in conjunction with Student Services Manager (if the student is residential) should draw up A Return to Study Plan. The Plan should be agreed with the student before the student recommences study to and regular review meetings should be arranged once a return date has been agreed with the student's Section so that student progress can be monitored and student support modified if necessary. If so, the student must provide their continued co- operation in this respect and such review meetings may continue for part or all of their remaining time at College.

7 RETURN TO ACCOMMODATION

- 7.1 In cases where a student has been temporarily removed from accommodation under this policy, the Section Leader / Academic Leader (HE) and Student Services Manager will consider at the time of the set review date whether the student will be able to return to accommodation and on what basis. This consideration will take into account evidence supplied by the student from recognised medical professionals (see Clause 6.2 for further details) in relation to the capacity of the student to return effectively to accommodation.

8 RIGHT OF APPEAL

- 8.1 A student who wishes to appeal against a decision to suspend or exclude them or permanently remove them from accommodation may do so to the Chief Executive's Office, within 5 days of the issue of notification of that outcome. Appeals must be in writing and must include the grounds of the appeal and any new evidence to be brought to the appeal. The request for an appeal against suspension / exclusion will be passed to the Chief Executive. Requests for appeal against the decision to permanently remove a student from accommodation will be passed to a Senior Postholder not involved in the original hearing. Grounds of appeal can be as follows:

- That there has been a procedural irregularity or that the college has acted outside its policy. In which case it is incumbent on the student to identify the procedural irregularity or policy breached by the college.

Askham Bryan College

- That the outcome is too harsh. The student must evidence that the outcomes are disproportional or are impacting on them or their family in an unintended or inappropriate way.

8.2 If a notice of appeal is lodged within the time allowed, an appeal meeting will be arranged to take place within fifteen working days of the notice of appeal being lodged. The student will be given at least three working days' notice of the time and place of the appeal meeting and will be entitled to be accompanied by a friend, student representative or relative but NOT by a legal or other professional adviser. Any documents considered at the Fitness to Study meeting will be available to the Chair for the purposes of the appeal, together with the notes of the meeting.

8.3 At the appeal meeting, the student will be invited to explain the grounds of the appeal and to state his or her case. The Chair of the original hearing (at Stage 2 or 3) will be asked to respond to the appeal and explain the reasons for the recommendation. The Appeal Chair may ask questions of the student and the member of staff and will then consider whether to allow or dismiss the appeal.

8.4 Outcomes of Appeal

The Chair may find:

- Against the appeal in which case the outcomes of the Fitness to Study process stand.
- To partially uphold the appeal. In which case the chair may decrease the severity of the outcome
- To fully uphold the appeal. If the appeal is allowed, the Chair may direct either alternative outcomes or that no further action should be taken under this Policy

9 STUDENTS STUDYING ON HIGHER EDUCATION (HE) PROGRAMMES:

9.1 In the first instance, cases will be dealt with by the College, as described in this policy. When the case reaches the end of the College-based procedure, and the student remains dissatisfied with the response, the student may have the right to bring the case to the validating University. Further details may be found within the University's Academic Regulations.

10 GENERAL MATTERS

10.1 The College will take account of relevant legislation such as the Data Protection Act, the Human Rights Act, the Equality Act and the general rights and expectations of a student of data protection and confidentiality.

11 CONFIDENTIALITY

11.1 All College staff are governed by the requirements of the Data Protection Acts 1984 and 1998. Under these acts, all data relating to a person's physical or mental health is regarded as sensitive, personal data. The College's policy on Data Protection contains guidance on the use of sensitive information e.g. details about a student's mental health or condition and should be consulted by staff. In general, all personal data of a sensitive nature given to a member of staff by a student should be treated as confidential and should only be disclosed with the student's consent.

Askham Bryan College

Sensitive data, for the purpose of this policy, is deemed to be information given in confidence concerning, for example, a student's ill-health or disability, including mental health issues.

- 11.2 In all cases where, in the member of staff's judgement, it would be in the student's best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the student's informed consent should be obtained where possible. It will be necessary to inform the student why there might be a need to disclose sensitive information, who will have access to this information, and the likely consequences of giving or withholding consent (e.g. additional support strategies such as reasonable adjustments including additional examination arrangements). Once consent has been obtained, it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the student.
- 11.3 If the student chooses not to provide their consent this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include (but not exclusively):
- When the student's mental health has deteriorated to the extent of threatening his/her personal safety
 - When the student is at risk of serious abuse or exploitation
 - When the student's behaviour is adversely affecting the rights and safety of others
 - Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).
- 11.4 Staff should consult with the College Data Protection Officer if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.