

# Procedure



**HIGHER EDUCATION**

## **STUDENT FITNESS TO STUDY PROCEDURE (PR36)**

**2016-17**



# Student Fitness to Study Procedure

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## **1. SCOPE AND PURPOSE**

- 1.1. The College is committed to an ethos of equality and inclusivity, and aims to facilitate and promote positive health and wellbeing through the recognition and understanding of all relevant health conditions and disabilities. The College encourages all students to contact their tutor or the HE Support and Wellbeing Facilitator (or nominee) at the earliest possible opportunity. The College sees this as part of its wider agenda to empower and transform lives through education.
- 1.2. The College is committed to supporting all students to fulfil their potential. Occasionally a student's circumstances or health may impact upon their own, or others' ability to fulfil that potential. These procedures are designed to outline the processes that the College will follow in such instances to ensure that issues can be dealt with in a clear, constructive and transparent fashion. Levels of risk will be assessed by the College on a case-by-case basis in conjunction with appropriate professionals. The appendix contains links to other relevant South Devon College policies and useful information
- 1.3. These procedures are to be followed by South Devon College staff where significant concerns have arisen as a result of a student's extended absence, health condition, wellbeing or other circumstances that lead to an inability to progress in their programme, or that adversely affect others. The key purpose of these procedures is to ensure that the best interests of the student are met and to provide appropriate guidance and support.
- 1.4. This procedure runs parallel to other relevant policies for those programmes that are professionally accredited, e.g. in health, where fitness to practice policies are in place. These processes are normally managed within the Section within which the programme is located; the outcome of these processes may also need to be reported centrally.
- 1.5. Students enrolled on professional or statutory regulated programmes with their own regulatory body (PSRB accredited) may require reporting of the outcomes of these processes to the relevant body as part of their mandate to protect the public and the profession; please see the specific programme handbook for details.

## **2. KEY RESPONSIBILITIES**

- 2.1. South Devon College aims to support all students to engage with their studies successfully. The College also has responsibilities in relation to the health, safety and wellbeing of all members of our community, including students, staff and visitors.
- 2.2. The Higher Education Manager is responsible for the overall management and implementation of these procedures. The HE Manager may delegate this responsibility as appropriate to the HE Support and Wellbeing Facilitator (or nominee). Members of staff are responsible for acting within the framework of these procedures where there are concerns as outlined in 1.2 above, or where a student refers themselves to a member of staff because of a significant concern.
- 2.3. Students are responsible for informing the College about their ability to study or otherwise. We recognise that there may be times when a student is unable to do this. Inability or refusal to do so may result in a student's study being interrupted until such time as the student is able or prepared to reengage with the College.
- 2.4. In an emergency situation where it is believed that a student's health or wellbeing condition presents an immediate risk to themselves or others the Fitness to Study procedures will not be invoked. In this situation the appropriate Emergency Services should be contacted and the HE Manager should be notified as soon as possible. (See appendix for information about dealing with emergencies.)

## **3. DATA PROTECTION AND CONFIDENTIALITY**

- 3.1. The College is governed by the Data Protection Act 1998 and will treat all personal information (including sensitive personal information relating to students' mental, physical health or personal circumstances) as confidential within the terms of the legislation.
- 3.2. Personal information about a student obtained under this procedure will only be shared within the College amongst those members of staff who need to know that information in order to offer the student appropriate support, to enable the operation of this procedure, or where it is required, with accrediting professional, regulatory or statutory bodies.
- 3.3. The College may ask a student for his or her agreement to share personal information obtained under this procedure with relevant professionals outside of the College in order to offer the student appropriate support. The College will not normally share any personal information about a student without their agreement, but may do so in exceptional cases, where permitted by law.
- 3.4. International students should be aware that the College is required to report any interruptions to study or withdrawal to the UK Border Agency.

#### **4. PROCEDURES**

- 4.1. Where a member of staff has concerns about a students' health, wellbeing or their ability to engage with their academic programme of study, this should be reported to the HE Support and Wellbeing Facilitator (or nominee) in the first instance. Where a student self-refers to a member of staff, or reports concerns about another student, the member of staff should refer this information to The HE Support and Wellbeing Facilitator (or nominee). Depending on the circumstances the HE Support and Wellbeing Facilitator (or nominee) will identify and make contact with the appropriate person(s) or service(s) to establish the level of risk (low, medium or high) and appropriate actions in response. (See appendix: Guidelines for action in cases of risk of serious harm to self or others.)

#### **5. ASSESSMENT OF RISK**

- 5.1. Levels of risk will be assessed by the College on a case by case basis in conjunction with appropriate professionals. Where concerns arise, staff should record details of any incident and immediately notify the HE Support and Wellbeing Facilitator (or nominee). It is the responsibility of the HE Support and Wellbeing Facilitator (or nominee) in conjunction with the personal tutor from the student's Section or other appropriate staff to assess levels of risk. Further guidance on risk is available via documents linked in Appendix 1 below.

#### **6. LOW RISK SITUATIONS (EMERGING CONCERNS)**

- 6.1. Low risk situations arise where there are emerging concerns and appropriate, limited actions should be taken as follows:
- 6.2. The student should be invited to meet informally with an appropriate member of staff (e.g. personal tutor/HE Lead, module leader) to discuss the concerns identified. At that meeting it should be made clear to the student that it is their responsibility to inform the College of any issues related to their fitness to study. The explicit causes/instances for concern should be explained to the student, with clear examples provided.

## **7. MEDIUM RISK**

- 7.1. A risk may be judged to be medium where an informal meeting with the student as defined in 6 above (low risk) has been held but no improvements have occurred in relation to the situation identified, or further issues have arisen. In such cases a Student Support Meeting (SSM) should be organised to consider what additional assistance is appropriate. An SSM is a formal meeting organised by the HE Support and Wellbeing Facilitator (or nominee) involving the student and appropriate members of academic and support staff.
- 7.2. Where the level of risk is judged to be medium the student will be asked to agree an action plan as a result of the SSM. This may include:
  - 7.2.1. requiring the student to attend weekly appointments with a nominated member of staff for regular monitoring; and
  - 7.2.2. requiring the student to engage with support services within the College or from external professionals, such as the student's GP or other relevant medical services.
- 7.3. The HE Support and Wellbeing Facilitator (or nominee) will set a date for review of the student's progress against any agreed action plan (normally 10 working days) and will inform the student that inability or refusal to meet the conditions agreed may result in a student's study being interrupted until such time as the student is able or prepared to re-engage with the College.

## **8. HIGH RISK**

- 8.1. A situation will be judged as high risk if immediate interventions are required and/or previous interventions (low and medium risk) have not been successful or are no longer appropriate. In these cases the HE Support and Wellbeing Facilitator (or nominee) will contact the Higher Education Manager (or nominee) in order that a Fitness to Study (FTS) Case Conference can be arranged. Attendees at the conference will include the HE Manager (or nominee), Section Head and other staff as necessary and appropriate to consider the case (e.g. the student's personal tutor, the HE Support and Wellbeing Facilitator (or nominee), appropriate healthcare professionals, or other staff). The student will normally be invited to attend the case conference and may be accompanied by a friend or representative (not acting in a legal capacity). Where appropriate, this will be an evidence-based process drawing upon expert professional judgment – for example a registered health practitioner, a social worker, law enforcement or rehabilitation professional.
- 8.2. In certain circumstances, such as where there is deemed to be an unacceptable level of risk to members of the College community, a student may be interrupted from their studies and required to leave the College premises immediately, pending further investigation.

- 8.3. The FTS Case Conference may consider various options in relation to the student, including additional support strategies, a change in the mode of study, interruption from study or a recommendation to the HE Manager that the student be withdrawn from the College.
- 8.4. The decision of the FTS Case Conference will be communicated to the student in writing (normally within 10 working days of the conference by the HE Manager or nominee).
- 8.5. If it is deemed appropriate that the student should be interrupted from studies then they will also be informed in writing of the general procedures for return to study below, and of any particular arrangements specific to their case.

## **9. IMPACT ON ACADEMIC PROGRESS**

- 9.1. In cases where an action plan has been agreed and implemented as described above, failure to make academic progress, or to engage with the requirements of the programme of study, may result in the decision of the award assessment board to interrupt or withdraw the student from the programme.

## **10. APPEAL**

- 10.1. Students have the right to appeal against any decision taken under these procedures. Appeals will only be accepted if there is evidence of procedural irregularity, bias or failure to reach a reasonable decision, or if the student submits further material circumstances which could not reasonably have been expected to have been submitted for consideration at the case conference. Guidance on the grounds for appeal and an appeal proforma are available from the [university@southdevon.ac.uk](mailto:university@southdevon.ac.uk)

### **10.2. Appeals against interruption:**

- 10.2.1. Appeals against interruption must be made in writing to the Higher Education Faculty Office within 10 working days of notification of the interruption clearly outlining the grounds for appeal. The Higher Education Faculty Office will prepare an appeal file for consideration by the Vice Principal Curriculum.
- 10.2.2. The Vice Principal Curriculum will review the appeal and may overturn the decision to interrupt a student if they believe it appropriate. The decision of the Vice Principal Curriculum will be final.
- 10.2.3. Where a student's appeal is rejected, a Completion of Procedures letter will be issued.

### **10.3. Appeals against withdrawal:**

- 10.3.1. Appeals against withdrawal must be made in writing to the Higher Education Faculty Office within 10 working days of notification of the interruption clearly outlining the grounds for appeal. The Higher Education Faculty Office will prepare an appeal file for consideration by the Vice Principal Curriculum.
- 10.3.2. The Vice Principal Curriculum will review the appeal and may overturn the decision to interrupt a student if they believe it appropriate. The decision of the Vice Principal Curriculum will be final

### **11. RETURN TO STUDY**

- 11.1. Following any period of interruption from the College under these procedures, it may be appropriate for the student to return to resume their studies.
- 11.2. Each student's case depends on specific circumstances but in all cases, return to study will be conditional upon satisfactory evidence of fitness to study. This will normally take the form of an Occupational Health assessment report commissioned by the College to take account of the evidence. Any evidence provided for this purpose should be from a registered health practitioner, a social worker, law enforcement or a rehabilitation professional who has enough knowledge of the student's circumstances to be able to make an informed statement about the student's fitness to study.
- 11.3. The decision to permit a student to return to study will be made by the HE Manager and a personal tutor from the student's Section who may impose such conditions as they deem appropriate to the relevant case (such as a return to study plan or a requirement for the student to attend regular review meetings).
- 11.4. In cases where a student has taken the decision independently to interrupt their studies, the College reserves the right to utilise the return to study process to determine if appropriate support is in place where needed, and if a return to study can be approved.

## **12. OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)**

If, after exhausting the Appeals process, the student remains dissatisfied with the College's final decision they may submit a complaint to the Office of the Independent Adjudicator for Higher Education. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator  
3rd Floor Kings Reach  
38 – 50 Kings Road  
Reading  
RG1 3AA

Tel: 01189 599813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## **13. REVIEW OF THIS PROCEDURE**

This procedure and procedures will be reviewed at The HE Board of Studies, where an annual report will be produced.

## 14. APPENDIX

Links to other relevant South Devon College policies and useful documents

- Academic Regulations:  
<https://www.plymouth.ac.uk/student-life/your-studies/essential-information/regulations>
- Student Code Of Conduct & Disciplinary Procedure  
<http://southdevon.ac.uk/attachments/article/2794/student-code-of-conduct-and-disciplinary-procedure.pdf>
- Disability Assist webpages  
<https://www.plymouth.ac.uk/disability> - (Includes FAQs and links to information about Student Support Documents (SSD); enabling and learning support; fieldtrips; and specific conditions: Asperger syndrome; ADHD developmental coordination disorder; dyslexia; hearing impairment; mental health conditions; mobility impairment and physical disabilities; visual impairment and visual stress)
- Student Counselling webpages  
<https://www.plymouth.ac.uk/counselling>
- South Devon College Safeguarding Policy  
<http://southdevon.ac.uk/about-us/safeguarding>
- Guidelines for action in cases of risk of serious harm to self or others:
- Guidelines for action: staff with concerns about a student's well-being:
- College guidance on supporting students experiencing mental health difficulties