

## Fitness to Study Procedure

### Introduction

1. The aim of this procedure is to create a positive framework to help a student to engage with their studies and to be able to function in the College environment.
2. This procedure can be used by staff where a student's behaviour gives cause for concern and is having a negative impact on their engagement with their academic studies or other members of the College community.

A student may present visible signs, for example, of mental health difficulties, psychological or emotional disorders that may have a disturbing and negative impact on the functioning of the individual and on the wellbeing of those around them. When such circumstances arise the needs and rights of the student concerned must be balanced against the need to protect the wellbeing of fellow students and staff.

3. Students are encouraged to take an active part in the Fitness to Study process and should be treated fairly, sensitively and offered support and guidance in order to restore their wellbeing and allow them to succeed in their studies and fulfil their academic potential. Students are also encouraged to contact and engage with support services such as their GP.
4. Fitness to Study should not be automatically applied where issues are documented via an Individual Learning Plan (ILP). The reasonable adjustments, as set out in the ILP, should be fully implemented and reviewed before considering Fitness to Study.
5. College staff are required to identify the limits of the support they can provide to a student and the appropriateness of referring the student on to other agencies. Any support provided cannot be expected to replace professional care and support which is the responsibility of the student's GP and other external agencies.
6. The College reserves the right to revert to policies and procedures relating to student discipline regarding non-academic matters to deal with inappropriate student conduct, depending on the individual circumstances of the case, in particular, where a student's health or behaviour poses a risk to themselves or others.
7. In cases where a student has been sectioned under the Mental Health Act the College, this and other College procedures may be adjourned.

8. The Deputy Vice-Principal (Academic Affairs) has lead responsibility for the Fitness to Study Procedure. If there are queries relating to the procedure and its implementation, the Head of Student Services should be contacted at [studentservices@pearsoncollege.com](mailto:studentservices@pearsoncollege.com)

## **Personal Data**

9. All Fitness to Study cases will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the concerns raised. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them. It is important that any student who is subject to this procedure is advised of this at the earliest possible opportunity in order to manage expectations.
10. For Fitness to Study cases it may, additionally, be required to gather personal data from College staff and students. For example, if another student witnessed an incident and provided a statement. Some of this data may fall within the special categories of personal data or include information that people may commonly expect to be treated with a high degree of confidentiality and sensitivity.

## **Confidentiality**

11. In all cases where it would be in the student's best interests to disclose sensitive information (so that support may be provided) the student's informed consent should be obtained, where possible. It will be necessary to inform the student why there may be a need to disclose sensitive information, who will have access to the information, and the possible consequences of giving or withholding consent.
12. If the student chooses not to provide their consent, this decision must be respected. In this situation, the implications of non-disclosure in terms of additional support should be made clear to the student.
13. There are occasions when the student's consent is withheld and confidentiality may be broken. These include:
  - a. when the student's mental health has deteriorated to the extent of threatening their personal safety; and/ or,
  - b. when the student's behaviour is adversely affecting the rights and the health and safety of others; and/ or,
  - c. where a member of staff would be liable to civil or criminal proceedings if the information was not disclosed (e.g. if a crime had been committed).

## **Initial concerns**

14. When initial concerns arise, these should be dealt with by the appropriate member of staff (for example Personal Tutor, Programme Leader). Concerns can be raised initially by the student, member of staff, fellow students and possibly a third party.
15. A meeting will take place with the student and the Programme Leader and Student Support Manager to discuss the concerns raised and allow them to respond. The student must be made aware of the Fitness to Study Procedure and given a copy of this procedure prior to any action being taken.

16. During the meeting an action plan will be compiled and agreed with the student. This will include any milestones and targets that need to be monitored. A formal record of the meeting will be taken and recorded centrally.
17. At all times, the number of people involved in the process should be appropriate with the aim of resolving the situation at the earliest possible stage, in order for the student to re-engage with their academic studies as soon as possible or in order that there is no impact on their and/or others' ability to progress academically and engage with their studies.

## **Ongoing concerns**

### **Fitness to Study Case Meeting/s**

18. Should the action plan referred to in paragraph 16 be unsuccessful in redressing the situation, the Student Support Manager should approach the student and explain to them that concerns about their engagement with their academic studies remain and that the Fitness to Study Procedure may be invoked.
19. The Fitness to Study Procedure can only be initiated with the approval of the Deputy Vice-Principal (Academic Affairs) or nominee. The overarching aim of the procedure is to assist the student to successfully engage with their studies. In each case the reason for using this procedure will be recorded via a secure central recording system.
20. If Fitness to Study is the most appropriate procedure, the Deputy Vice-Principal (Academic Affairs) will convene and chair a Panel meeting which includes the Programme Leader, Head of Student Services and Student Support Manager (Secretary). Other officers of the College may be present, as appropriate, e.g. Student Counsellor, Personal Tutor.
21. The objective of the Fitness to Study meeting is to find a constructive approach, in agreement with the student, in as far as possible, that would enable them to successfully engage with their academic studies.
22. The Student Support Manager will notify the student at least 5 working days prior to a scheduled meeting and provide them, in writing, with the following information and documentation:
  - a. the matters to be considered by the Panel;
  - b. the student's right to representation and presentation of their case;
  - c. the date, time and venue of the case meeting. (The meeting would, normally, be held at the College campus);
  - d. list of College attendees, including any professional service staff who, depending on the circumstances of the case, may be invited to provide information and advice, as determined by the Deputy Vice-Principal (Academic Affairs);
  - e. any documents to be considered at the Panel meeting;
  - f. the student will be invited to provide any further documentation they wish the Panel to consider, including, if appropriate, medical evidence, no later than 2 working day before the meeting. Late submission of any further documentation will be considered in exceptional circumstances;
  - g. notification that the meeting may proceed in their absence;
  - h. copy of this procedure.

23. In exceptional circumstances, determined by the Deputy Vice-Principal (Academic Affairs), the meeting may be convened to consider a case following a shorter period of notification.
24. The student may be accompanied to the meeting by another student, a relative or friend. A student may not be accompanied by a legal representative even if the legal representative is a member of the College, a staff member or a relative.
25. No recording of the meeting(s) will be permitted. An accurate record of the meeting will be made and shared with the student.
26. Further information including a professional medical assessment or other relevant report may be requested and/or witnesses called to assist the Panel with its deliberations. The student should be encouraged to consent to this and be advised that a professional medical assessment would be used to determine the following:
  - a. the nature and extent of any medical condition which the student has disclosed;
  - b. their prognosis;
  - c. the effect on their ability to manage the demands of student/academic life;
  - d. any impact or risk posed to others;
  - e. recommendations for any special provisions that the College may consider to support the student's learning more effectively;
  - f. whether the student will be receiving any ongoing medical treatment or support.
27. If the student fails to engage with the procedure (e.g. by refusing to co-operate or to attend the Panel meeting), the Deputy Vice-Principal (Academic Affairs) may continue with the meeting and determine an outcome in line with paragraph 28.
28. The Fitness to Study Panel may conclude, in agreement with the student, where possible, that:
  - a) the case will be dismissed and no further action will be taken;
  - b) an Action Plan will be devised to support the student to engage effectively with their studies, detailing:
    - (i) support arrangements;
    - (ii) expectations of the student, e.g. compliance with medical advice;
    - (iii) milestones and review arrangements;
    - (iv) procedure if objectives are not met;
  - c) a change of programme or delivery structure would be advisable, taking into consideration any academic, financial or visa implications;
  - d) the student should take an interruption of studies for an agreed period. The period of interruption of studies must adhere to the University of Kent Academic Regulations in relation to the Maximum Period of Study allowed;
  - e) it is appropriate to refer the case to an appropriate point in another procedure, e.g. Student Disciplinary Policy;
  - f) it is necessary that the Panel recommend to the Principal of Pearson College that the student be permanently withdrawn from their academic studies. This course of action would, normally be reserved for exceptional circumstances, e.g. (i) where the student's continued presence at the College is deemed to present a risk to themselves and/or members of the College community; and/ or (b) where previous attempts to support the

student through the Fitness to Study Procedure have not been effective and there is authoritative evidence that the student is physically or mentally unfit to continue their academic studies.

29. The decision of the Panel, including any Action Plan, will to be sent to the student, in writing, within 5 working days of the meeting and recorded centrally.
30. In the case of Fitness to Study Panel outcomes b, c, e, outlined in Paragraph 27 above, a review meeting must be scheduled within 4 weeks of the original date of the Panel meeting and any follow up action arising from this should be taken as soon as possible. Any outcome for the student should be proportionate to the specific circumstances at the time. If the formal Action Plan is not addressed satisfactorily by the student, a further Panel meeting will be scheduled and any revisions to the action plan will be recorded centrally.
31. If the student does not accept the outcome of the Panel meeting, they may submit an appeal. (See Paragraphs 37 - 42).

### **Return to Study Following a Period of Interruption of Studies**

32. If a student is placed on a period of interruption of studies following a Panel meeting, return to study will only be permitted if, after receiving written confirmation from a doctor, in the form of a medical report, the College is satisfied that the individual is fit to engage in their academic studies and able to comply with any requirements placed on them on their return. The request for a return to study and medical report must be submitted to the Student Support Manager at [studentservices@pearsoncollege.com](mailto:studentservices@pearsoncollege.com).
33. In cases where the Deputy Vice-Principal (Academic Affairs), following consultation with the relevant Programme Leader, has any concerns that there may be an impact on the student and/or others' ability to progress academically and engage with their studies, a second medical opinion will be required. In this situation, the student will be required to agree to a medical assessment by a medical consultant nominated by the College, at the College's expense.
34. The decision of the Deputy Vice-Principal (Academic Affairs) will be based primarily on medical advice and advice from the student's Programme Leader. The decision will also consider the student's engagement with external support services during absence and/or compliance with any conditions set for the period of interruption.
35. When a student returns to study after a period of interruption of studies (voluntary or involuntary), there must be an initial review meeting with relevant staff (e.g. Programme Leader, Student Support Manager), who will support the student's return to study and monitor their remaining time on the Fitness to Study procedure.
36. A Return to Study Action Plan must be produced for consideration at the review meeting/s and recorded centrally. The Return to Study Action Plan may include one or more conditions, for example, compliance with medical advice and attendance at support sessions.
37. If a series of action plans and support provisions provided by the College remain ineffective in assisting the student to engage successfully with their studies, a Fitness to Study Panel meeting may be convened to re-consider the case.

## Appeal

38. A student has the right to appeal against a decision taken by a Panel Meeting or the decision of the Deputy Vice-Principal (Academic Affairs).
39. The grounds on which a student may appeal are:
  - a. that there were alleged procedural fault, bias, irregularity or other inadequacy in the conduct of the Fitness to Study process of such a nature as to cause reasonable doubt as to whether the outcome might have been different had such not occurred;
  - b. that there was evidence which could not reasonably have been made available to the Fitness to Study Panel of such a nature as to cause reasonable doubt as to whether the outcome might have been different if that evidence had been received.
40. The submission of an appeal is no guarantee of a successful outcome.
41. An appeal will be considered by the Vice-Principal (Academic Quality and Enhancement). The appeal must:
  - a. explain the grounds for appeal and remedial action sought;
  - b. provide all the necessary documentary evidence substantiating the grounds of the appeal;
  - c. be submitted within 10 working days of the letter notifying the student of the outcome of an Appeal or the decision of the Panel;
  - d. be submitted in writing to Student Services at [studentservices@pearsoncollege.com](mailto:studentservices@pearsoncollege.com)
42. Appeals against the professional medical judgement of a consultant engaged by the College will not be considered as valid grounds for an appeal.
43. The Vice-Principal (Academic Quality and Enhancement) will acknowledge the appeal within 5 working days of receipt and will decide, based on the documentation received from the student and provided by the Panel or Deputy Vice-Principal (Academic Affairs), whether the student's appeal should be upheld or not. Normally a decision on the appeal should be made within 10 working days of the date of acknowledgement of the appeal.

## Monitoring and review

44. Fitness to Study case data will be monitored on an annual basis to identify trends and areas for improvement across the College.
45. The Fitness to Study Procedure will be reviewed on an annual basis.

Person responsible	DVP (AA)
Approval date	4 March 2020
Version Number	1
Approved by	REC
Date of next formal review	March 2021
Status (Current or Post DAP)	Current