

FITNESS TO STUDY PROTOCOL

1. Protocol

This Protocol applies to all students enrolled at the College regardless of their background or protected characteristics.

The College is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to their academic progress and attainment. This protocol outlines the process to be followed when a student's health, wellbeing, behaviour or other personal circumstance affects their ability to cope with/attend College and impacts upon their ability to study or progress on their courses. It also takes into consideration a student's health, wellbeing or behaviour which may pose a risk to the health and safety of self and/or others or impact on the ability of others to study and progress on their courses.

2. Scope

This Policy is not intended for use during a student's first interview or as part of the admissions process but serves to be implemented as issues arise during the programme of academic study. It does, however, directly link to the following section of the College admissions policy:

Our admissions policy states the following: (section 2.1C)

"Places are also offered on the understanding that applicants are able to attend fully for the duration of their course, are fit for study and are able to participate regularly, safely and appropriately, with, if necessary, reasonable adjustment, in the college curriculum and community.

"It is important that applicants recognise that the College is a busy, town-centre community. Students, as young adults, are given the responsibility to manage their own independent studies, use of flexible time, decisions and behaviour, including time spent on and offsite. All applicants are offered places on the understanding that the College should be a safe and appropriate environment for their needs and that students are able to fit into college structures and arrangements. Exceptionally, where the College is concerned that it will not be able to provide a particular applicant with such an environment or that the wellbeing or educational progress of other members of the College community may be compromised, the College will enter into a discussion with the applicant about their needs, the result of which may be that the College will be unable to offer a place."

(see: <https://www.colchsfc.ac.uk/policies/uploads/files/23/admissions-policy-and-procedure-2022.pdf>)

3. Procedure And Guidelines

Introduction

The College is committed to supporting a student's health and wellbeing and recognises that a positive, holistic approach to the management of physical/mental health and behavioural issues is essential to the student's 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 who are in distress, causing significant concern, or those presenting a risk to self or others. This will include, for instance, situations where students show visible signs of illness, mental health difficulties, emotional or behavioural disorders that may have a negative impact on the health, safety, learning and wellbeing of the student and others.

These guidelines:

- Clarify a suitable response by teaching and support staff in circumstances where it is not considered appropriate to apply disciplinary procedures. This may arise when a student requires considered and sensitive support rather than disciplinary sanction.
- Recommend a co-ordinated approach to the management of a situation where mental or physical factors may not permit a student to benefit from the educational opportunities afforded to them at a particular time. This is particularly important in situations that require support at a level that has extended beyond that which can reasonably be expected of the College.

The procedure aims to ensure that:

- The best interests of the student are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience.
- Students are supported to study to the best of their ability, and wherever possible, meet the required learning outcomes and complete their course.
- Students who are experiencing difficulties in relation to their health, wellbeing and/or disability are supported to address their difficulties at the earliest opportunity.
- Students are able to make informed decisions regarding options available.
- Any reasonable adjustments that the student may be entitled to are considered and where possible put in place.
- Students understand their responsibility to engage positively with services offered and attend in order for these to be effective.
- Staff from curriculum areas and from academic support functions work together where appropriate to ensure that students experience a consistent and fair process.

If staff are unsure about whether to implement this procedure, they should seek advice and discuss their concerns with the relevant Senior Tutor, the Assistant Principal (Pastoral), the Assistant Principal (Safeguarding) or the Director of Learning Support.

When concerns emerge about a student's health, safety and/or ability to study, based on deterioration in health and/or demeanour, College staff will work to identify and address issues. This could include the following:

1. The Senior Tutor should approach the student and their family in a supportive way and indicate that there is a recognised concern about the student's wellbeing and also ensure that the student and their family clearly understand College expectations regarding fitness to study. The nature of the concern

should be clearly identified and information should be provided about support available through the College.

2. The Senior Tutor could at this stage make a referral to the Learning Support Department or College Wellbeing Team or suggest outside support, if such is not involved already. Counselling cannot be made mandatory for a student, and there is sometimes a waiting list for this service. However, the options for reasonable adjustments will be limited if a student does not wish to engage with the available support.
3. Reasonable time must be taken to explore options, deploy support strategies, allow for medication to take effect etc., but it should be noted that, if students are unable to engage meaningfully with a significant part of the curriculum in a period that stretches beyond weeks into months, it is unlikely that they will be able to comfortably return to their studies – nor would it be supportive to expect a student to do so.
4. Advice from health and other professionals from outside education will of course be very much welcomed and actively considered as part of this process, but it cannot always drive this process: guidance is often helpful regarding a clinical picture, but ultimately educational decisions are the responsibility of the College.
5. Reasonable adjustments will be made by the College in relation to a SEND issue. The College may require evidence of a formal diagnosis of a specific illness or condition.

If, despite intervention, there is a growing concern about a student's health, safety and ability to study, the senior tutor may consider various options, including an agreed short-term absence from College or temporarily reduced timetable. The options considered will take into account academic considerations and will not usually include any arrangement which does not provide for enough engagement to allow the student to succeed in their programme of study.

If a student is unable to engage fully and appropriately in college life, we may recommend withdrawal of that student from the College. It should be noted that this removal is not to be considered in terms such as 'expulsion' or exclusion'. Students in such situations will, wherever possible, receive positive references and, wherever possible, help and guidance in moving forward in life

If a student and /or their family feel that a Senior Tutor's recommendation that a student leave College is unreasonable, they can request that the Assistant Principal (Pastoral) or the Assistant Principal (Safeguarding) perform a review to ensure that appropriate actions were taken in line with this protocol. This decision will be final.

4. Returning to Study

Where a student has been absent due to physical or mental ill-health for a period of time, a pastoral planning meeting (including risk assessment) should be carried out, to ensure a safe and successful return to study.

1. 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 and evidence of engagement with appropriate support systems being accessed by the student
2. The decision to allow return to study will be made by the Senior Tutor in consultation with the Assistant Principal (Pastoral) or Assistant Principal (Safeguarding) and may involve discussion with other appropriate professional colleagues from within the College. The Senior Tutor must be assured of fitness to study, compliance with any conditions imposed, regulatory requirements, and engagement with appropriate support on return. This decision will be based on the student's ability to cope with the demands previously faced and to ensure a positive outcome for the student involved, to ensure further harm is not caused
3. If the decision is made that a student is not ready to return to study, the Senior Tutor will arrange a further review or recommend withdrawal from College, depending on the individual circumstances.
4. On return to College, further reviews will be arranged so that progress can be monitored and, in consultation with the student, further support can be offered.
5. The student and their parents/carers should keep College informed of any relevant changes or developments.

5. Consent, confidentiality and data protection

Sensitive information about students and their families (including special categories of personal data) is always dealt with in accordance with UK GDPR and Data Protection legislation. (Please see relevant policies and information on the College website which outline the legal basis that we rely upon to collect and share data).

The legislation allows for information to be shared for safeguarding purposes (Article 6 and Article 2 conditions).

We will seek the student's informed consent to share information, whenever possible. However, there are occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

- When the student's mental health has deteriorated to the extent of threatening their 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).

In all the above cases, the matter would be dealt with using safeguarding procedures and in line with our privacy policies

Staff should consult with the Senior Tutor or Assistant Principal (Pastoral) if they are not sure about the boundaries of confidentiality or data protection as outlined above.

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