

## Fitness to Study Policy

**Equality Impact Assessment:** Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

### 1. POLICY STATEMENT

- 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.

### 2. PRINCIPLES

- 2.1 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.
- 2.2 The term 'fitness to study' as used in this Policy and associated procedures 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.

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2.3 Whilst the College has disciplinary mechanisms in place to deal with students whose conduct falls outside expected standards (see Student Code of Conduct and Disciplinary Policy (Students) ), 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.

2.4 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. another student, including another 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 Head of Department / Academic Leader (HE) /Centre Manager in the first instance.

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

2.5 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.

2.6 If there is any uncertainty in relation to which College procedure should be used, guidance should be sought promptly from the Assistant Principal (Students).

2.7 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 the College Fitness to Practise Policy.

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### **3. SCOPE AND LIMITATIONS**

3.1 This Policy (and associated procedures) applies to all students of the College. They apply to students at all times including when on College related activities such as work placements or fieldtrips. They apply regardless of a student's mode of study (e.g. full-time, part-time, work-based learning). They apply to students previously enrolled with the College who request a return to study.

#### **3.2 Applicants to the College and Fitness to Study**

3.2.1 Applicants to a programme of study, who declare a health condition or disability, may be subject to consideration of their 'fitness to study'.

3.2.2 For further information individuals should consult the Admissions Policy which can be found at <https://www.askham-bryan.ac.uk/the-college/college-policies>

### **4. DEFINITIONS**

#### **4.1 Fitness to Study**

Students must be able to benefit from and pursue the programme of study for the required period with a reasonable chance of progression and successfully complete the qualification. Students must be able to function independently in academic and community environments. It is recognised that some individual SEND students with Educational, Health and Care plans (EHCP) may be working towards developing their independence and these outcomes will be part of their plan. Students' mental or physical health needs should not unduly disrupt the learning, research and work of others in the college community. The diversity of our student community means that routes to achievement will vary greatly.

#### **4.2 Reasonable Adjustment**

Taking reasonable steps to ensure that learners are not placed at a substantial disadvantage due to their disability, difficulty or additional need.

The criteria for judging 'reasonable' includes consideration that they do not compromise academic standards, health and safety or the relevant interests of others, including other students. The College, has a duty of care to the College community and considers the health and safety of everyone to be paramount. All reasonable adjustments should be practical and financially reasonable.

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## **5. RESPONSIBILITIES**

### **5.1.SENIOR LEADERSHIP TEAM**

A member of SLT, usually a Director of Curriculum or Dean of Higher Education will be responsible for chairing Fitness to Study meetings that are held either when the most serious level of concern has been reached either via progression through earlier stages of concern OR there is an emerging or new significant concern about the health and wellbeing of a student (crisis situation).

The Assistant Principal (Students) is responsible for the monitoring and review of this Policy and associated procedures.

### **5.2 HEADS OF DEPARTMENT / CENTRE MANAGERS / PROGRAMME MANAGERS**

Heads of Departments / Academic Leads (HE) / Centre Managers are responsible for ensuring that their staff are aware of the Policy and associated procedures and understand how it affects them and their students and for chairing any meetings where there is a growing concern about a student or a new emerging concern that is not at crisis level.

### **5.3 CURRICULUM MANAGERS (COURSE MANAGERS)**

Curriculum Managers are required to understand the Fitness to Study criteria, policy and processes and apply the same effectively to their students where appropriate, where necessary taking advice from their Head of Department/Academic Lead/Centre Manager.

Curriculum Managers are responsible for chairing Fitness to Study meetings dealing with emerging /new concerns about a student's fitness to study

### **5.4 STUDENT SERVICES MANAGER / RESIDENTIAL SERVICES MANAGER**

The Student Services Manager and Residential Services Manager are required to understand the Fitness to Study criteria, policy and processes and inform curriculum staff in the event that they identify students who may require a Fitness to Study intervention.

The Residential Services Manager may be responsible for chairing 'a first stage' Fitness to Study meetings for residential students only, if the causes for concern are in relation to their capacity for independent living).

### **5.5 STUDENTS**

Students with a mental or physical health difficulty, firstly:

- Are encouraged to consult all relevant support services available at the College, and in particular the College's local Medical Centre (for residential students) or their own GPs, the Student Counselling Service (where appropriate) and the Student Wellbeing Co-ordinators (further information on these services can be found by visiting the Student Services web pages).

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- Are expected to speak to their Course Manager or another appropriate member of staff 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.

## **6 LEGISLATION**

- 6.1 The College will take account of relevant legislation such as the Data Protection Act 2018, General Data Protection Regulation (“GDPR”), the Human Rights Act, the Equality Act 2010 and the general rights and expectations of a student of data protection and confidentiality.

## **7 CONFIDENTIALITY**

- 7.1 All College staff are governed by the requirements of the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018. 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.

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.

- 7.2 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.
- 7.3 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;

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- when the student's behaviour is adversely affecting the rights and safety of others; and or
- 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).

7.4 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.

## **8. RECORDING**

8.1 All Fitness to Study meetings must be recorded on Promonitor (see SCA36a for details).

9.2 It is NOT College policy to give consent to students or their representatives to record the meeting itself on any electronic device

## **9. MONITORING AND REVIEW**

The Assistant Principal (Students) will maintain oversight of the effectiveness of these arrangements. This policy and the implementation arrangements which underpin it will be reviewed annually by the Assistant Principal (Students).

## **10. SUPPORTING/RELATED DOCUMENTS**

- Disciplinary policy (Students)
- Fitness to Study Procedures – staff guidance only
- Fitness to Practise Policy

## **11. REGULATIONS**

In all aspects of this policy the College will comply with the following legislation:

- The Data Protection Act 2018
- General Data Protection Regulations (GDPR)
- Equality Act 2010
- Safeguarding Vulnerable Groups Act 2006

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