



# Newbury College

<b>Policy number:</b>	LS234	<b>Originator:</b>	Teaching and Quality manager
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<b>External Web Site appropriate:</b>	YES		
<b>Linked policies/College documents:</b>	Access and participation Statement Single Equality Duty Policy and Procedure Fitness to practice Policy Health and safety Policy Safeguarding Policy, Prevent Policy Accessibility Statement SEND Policy and Procedure Student Recruitment Admissions and Appeals Policy and Procedure Code of Conduct and Exclusion Policy Learning Support Policy		
<b>Summary available:</b>	NO		

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## Fitness to Study Policy and Procedure

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This document can be made available in other formats,  
on request

## Introduction.

The Fitness to Study policy and procedure applies to a student's ability to engage safely and sufficiently in their studies and socially within the college. Newbury College maintains a positive and constructive approach to support a student's management of their physical or mental health and any impact this has on their learning experience.

The Fitness to Study Policy and Procedure may only be applied if the use of other available policies and procedures are unsuitable to address the needs of the student. Examples of policies and procedures that should be considered first include:

- Student Attendance and Punctuality Policy
- The Safeguarding Policy
- Student Code of Conduct and Exclusion Policy.
- Education Health Care Plans
- SEND Policy and Procedure
- Pre 16 Statutory Guidelines (DFE)

Students should be assessed as part of the application and interview process and during the induction period for the course to ensure their needs are supported and managed appropriately and that the individual is able to engage fully with their programme of study. Students enrolled by a partner University or organisation although studying at Newbury College will follow the Fitness to Study Policy of that organisation/university.

The Fitness to Study Policy and Procedure provides guidelines to ensure that where there is a concern over a student's fitness to study, that it is dealt with in line with the Single Equality Duty and provides a fair and considered response to the student's needs.

This policy and procedure is applicable to all students on regardless of modes of study and whilst attending work placements or projects.

## Aim:

This policy and procedure is intended to promote and apply positive and constructive attitudes when supporting students whose health and/or wellbeing impacts negatively on their studies or the studies of other students. The policy and procedure may be applied where a student's behaviour or cognitive capability presents a risk to others or themselves. The College has a duty of care to safeguard students, staff and visitors within the College Community and to respond appropriately to any risks.

## Application:

The Fitness to Study Policy and Procedure will be applied in the following situations:

- There is a serious concern about a student's fitness to study at the College and/or ability to meet the learning outcomes of the course, despite applying reasonable adjustments and learning support.
- The health, safety, wellbeing and /or learning of students, staff and/or others in the wider College community is negatively impacted by an individual student's behaviours or cognitive capability to engage fully and safely in their learning or other activities.

- A student becomes unfit to study or participate in a work placement, which may be with or without their awareness. They may show inappropriate behaviour, endanger others; disrupt learning or obstruct the safe functioning of the College.
- A prolonged or regular short-term absence that may make a student unfit to study when the absence occurs because of a mental or physical health condition or disability and prevents them from attending and accessing regular lessons and learning activities regardless of the support and reasonable adjustments put in place.

## **Intervention:**

In all cases of serious concern, early intervention is essential to avoid any negative incident or crisis.

Decisions and interventions must be carefully considered and must be:

- Non- judgemental
- Non-discriminatory
- Consistent
- Applied sensitively

Where a student's fitness to study is identified the discussion of the management of the student's physical, mental or wellbeing needs should include parents/guardians, external supporting agencies, feeder schools/colleges, local authorities and employers as relevant to the individual student.

The College may refer a student or their parent/guardian to an external professional for support and request written confirmation from that professional of the student's fitness to study.

If a student is unwilling or does not engage with support measures identified on care plans, behaviour support plans, Individual learning plan (ILP) or individual risk assessments this may lead to exclusion from the programme of study in line with the Code of Conduct and exclusion Policy. The College will discharge its duty of care and legal obligations where there are serious or severe concerns.

## **Legislation, Data Protection and Confidentiality**

Students are entitled to reasonable adjustments and appropriate support to allow for mental and physical health conditions and learning needs. These adjustments take into account the Health and Safety at Work Act 1974, the Equality Act, 2010, Keeping Children Safe in Education (2018 update) and the SEND Code of Practice, 2015. All personal and sensitive information will be managed in accordance with the General Data Protection Regulation 2018 (GDPR).

The College may be obliged to share information without a student's consent in order to provide suitable safeguarding support and where the college is legally obliged to disclose information.

## **Reasonable adjustment:**

Reasonable adjustment is a requirement of 'the single equality duty' to provide reasonable steps to ensure that a student is not substantially disadvantaged due to

their disability, learning difficulty or additional need. The reasonable adjustment should not compromise academic standards, health and safety legislation or the interests and safety of other individuals. Newbury College takes into account its duty of care for all members of the college community when assessing the risk and impact of any reasonable adjustments.

All reasonable adjustments should be reasonably practicable in line with the funding allocation associated with their Education Health Care Plan (EHCP), the Additional Learning Support Fund, the Disabled Student Allowance or other entitlement funding available to the student to make reasonable adjustments, support their learning and remove barriers to success. The learning Support policy explains the details for assessing and applying learning support.

## Roles and Responsibilities

Students are required to declare any physical or mental health or any learning disabilities at interview and enrolment or as they arise during the academic year. This is so that an assessment may take place and support and /or reasonable adjustments may be applied to manage the individual's needs. Failure to declare any physical or mental health or any learning disabilities may have a negative impact on the student's ability to enrol on their chosen course or to sustain their learning.

Parents/ guardians, health professionals, key workers or support agency representatives and employers may contribute information to support assessment of a student's needs.

Staff who have any serious concerns about a student's health or behaviour should refer the student to the Vice Principal, Student Services Manager or the duty safeguarding officer. They will consider the suitability to apply this policy and procedure and to ensure that all assessments, reasonable support and adjustments have been implemented.

Referral may be made to the learning support team for assessment of learning needs or the need for reasonable adjustments not previously declared or identified.

The College will follow all aspects of the SEND Code of Practice and will follow this to support any student who has an Educational Health Care Plan.

The Student Services team will communicate with individual students who have identified support needs and reasonable adjustment requirements. They will assess and manage the support needs and reasonable adjustments and ensure that the entitlement is communicated to the relevant Course leader and applied to external assessments and examinations. The assessments for reasonable adjustment and support may extend to risk assessment, review of Education Health Care Plans or implementing a behaviour support plan or individual learning plan.

The Principal, Vice Principal or the Student Services Manager may recommend that the College is an unsuitable place for the individual to study where they present profound or complex needs in relation to health and/or aggressive or inappropriate behaviour. This would be "where the student would be incompatible with the efficient use of resources or the efficient education of others".

The Principal, Vice Principal or the Student Services Manager will be responsible for deciding if the College is an unsuitable environment for any student to continue their

studies and will communicate that decision with justification in writing to the student and their supporters.

Higher education students on courses regulated by or leading to professional recognition may be referred to the Fitness to Practice policy, and the implications for professional practice will be considered.

## Health and Safety Implications

There may be circumstances where there appears to be conflict between a student's fitness to study and the health and safety of that individual, other students and employees. All cases will be reviewed on an individual basis.

## Appeals

All appeals should be made in line with the Student Recruitment, Admissions and Appeals Policy and Procedure.

For higher education students where the College appeals procedures have been completed, the student will be issued with a Completion of Procedures letter (COP) advising of their entitlement of request for review by the Office of the Independent Adjudicator (OIA). <https://www.oiahe.org.uk/>

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Newbury College is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your appeal. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

You normally need to have completed the Student Recruitment, Admissions and Appeals Procedure before you complain to the OIA. Newbury College will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, Newbury College will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

## The Procedure.

<b>Student does not have a known need at interview or enrolment.</b>	<b>Student makes an application and discloses their disability, physical or mental health or wellbeing needs.</b>	<b>Student requires support but does not disclose any disability, physical or mental health or wellbeing needs</b>
<p>Student becomes unfit to study during programme of study. Refer to:</p> <p>Student Services</p> <p>Safeguarding and wellbeing officers</p> <p>Health and Safety</p>	<p>The interviewer and relevant teams carry out support assessments and plan reasonable adjustments at interview or in a separate meeting.</p>	<p>Student disability, physical or mental health or wellbeing needs are identified on course.</p>
<p>Assessment is carried out and support and reasonable adjustments implemented at this point</p>	<p>Support and reasonable adjustments are agreed with student and Course Leader and Exams may be informed.</p>	<p>Relevant teams carry out support assessments and plan reasonable adjustments which will be implemented as soon as reasonably practicable.</p>
<p>If student is unable to manage with reasonable adjustments and support refer to safeguarding and health and safety to assess the risk to the student's safety and the safety of others.</p>		
<p>If high risk is identified refer the student to the Principal, Vice Principal or Student Services Manager to determine whether the College is a suitable environment for the student to continue their studies.</p>		
<p>Student informed of the Principal, Vice Principal or Student services manager's decision. The right to appeal is also notified and the required time frame given.</p>		
<p>Following appeal if the decision remains that the College is unsuitable for the continuation of the student's studies, a Conclusion of Procedures (COP) letter will be issued and an HE student will be informed of their entitlement to refer their case to the office of the Independent Adjudicator <a href="https://www.oiahe.org.uk/">https://www.oiahe.org.uk/</a>. The OIA website provides an online complaint form for submitting the issue. The form must be submitted within 12 months of the date given on the COP letter.</p>		
<p>For students aged 18 and under the relevant Local Authority will be informed of the decision.</p>		