



**Fitness to Study or Practice Procedure**

<b>Reviewed:</b> November 2018	<b>Next review due:</b> November 2020
<b>Approving Body:</b> SLT	<b>SLT contact:</b> VP Curriculum & Quality
<b>Document approved:</b> January 2019	

**Fit to Study or Practice Summary Guidance - see pages 5 onwards for procedural detail**

<p><b>STAGE 1</b></p> <p>Initial Support + Guidance to Students Reasonable Adjustments</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Initial concern raised by student, peer, interviewing tutor/tutor</li> <li><input type="checkbox"/> Concern raised with tutor</li> <li><input type="checkbox"/> Tutor discusses informally with student.</li> </ul>	<p><b>Potential Outcome</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Monitor &amp; review</li> <li><input type="checkbox"/> Signpost student to relevant internal and external support agencies</li> <li><input type="checkbox"/> Special academic arrangements / reasonable adjustments;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Refer to Stage 2</li> </ul>
<p><b>STAGE 2</b></p> <p>Heightened Concern or serious deterioration</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Concern reported to Academy Manager</li> <li><input type="checkbox"/> Student invited to meeting with Academy Manager and appropriate College staff - meeting notes taken</li> <li><input type="checkbox"/> If appropriate, advise student to work from home for a short period</li> <li><input type="checkbox"/> Encourage student to use the services and support offered by the College and external organisations.</li> <li><input type="checkbox"/> If appropriate, College will complete an individualised Risk Assessment and/or PEEP</li> <li><input type="checkbox"/> Letter sent to student outlining concerns + services/support offered by College and external organisations</li> </ul>	<p><b>Potential Outcome</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> No further action</li> <li><input type="checkbox"/> Monitor &amp; review</li> <li><input type="checkbox"/> Special academic arrangements/reasonable adjustments;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Refer to stage 3</li> </ul>
<p><b>STAGE 3</b></p> <p>Serious or Persistent and/or Critical Concerns</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Academy Manager to advise student in writing of the nature of the concerns and the possible actions following the meeting - letter to be sent to the student at least 5 working days before the meeting (this may be shortened in the event of an emergency or with the consent of the student)</li> <li><input type="checkbox"/> Academy Manager convenes Formal Meeting/Case Conference (note-taker in attendance)</li> <li><input type="checkbox"/> SENCo seek medical/psychological information with consent of student.</li> <li><input type="checkbox"/> Student Individual Risk Assessment carried out if appropriate.</li> <li><input type="checkbox"/> Student right to representation.</li> <li><input type="checkbox"/> Letter to student confirming the outcome</li> </ul>	<p><b>Potential Outcome</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> No further action</li> <li><input type="checkbox"/> Monitor &amp; review;</li> <li><input type="checkbox"/> Special academic arrangements/reasonable adjustments; or</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Suspend/defer studies</li> <li><input type="checkbox"/> Transfer course</li> <li><input type="checkbox"/> Agreed withdrawal;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Refer to Stage 4</li> </ul>
<p><b>STAGE 4</b></p> <p>Being asked to leave This stage may only be invoked if there has been a referral from Stage 3</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Serious cases – severe risk of threat to health and safety or Stage 3 not complied with by student.</li> <li><input type="checkbox"/> Student advised in writing of the nature of the concerns and possible actions</li> <li><input type="checkbox"/> Student invited to meeting with SLT member to discuss concerns and relevant issues.</li> <li><input type="checkbox"/> SLT member has right to exclude.</li> <li><input type="checkbox"/> Student right to representation</li> <li><input type="checkbox"/> Letter to student confirming the outcome</li> </ul>	<p><b>Potential Outcome</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Monitor &amp; review;</li> <li><input type="checkbox"/> Suspend/defer studies;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Withdrawal/end enrolment</li> <li><input type="checkbox"/> Exclude</li> <li><input type="checkbox"/> other action considered to be appropriate and proportionate</li> </ul>
<p><b>STAGE 5</b></p> <p>Return to Study</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> After a defined break in study, a student may make a request to the College for permission to return to study.</li> <li><input type="checkbox"/> Academy Manager to meet with relevant College staff to discuss.</li> <li><input type="checkbox"/> College staff and relevant medical and other professionals to review.</li> <li><input type="checkbox"/> Return to Study Action Plan.</li> </ul>	<p><b>Potential Outcome</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Accept with managed and monitored plan to return to study</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reject/application withdrawn by College</li> </ul>
<p><b>Monitoring &amp; Review</b></p>	<p>Where reasonable adjustments.study plans etc are working, regular review meetings with all relevant parties will be held and organised by SENCo. SENCo will monitor progress with tutor and consult with student, parents/guardians/carers and relevant external organisations.</p>	

## 1. Purpose

City College Plymouth is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is crucial to student learning and academic achievement. The purpose of this Procedure is to identify the actions that the College will take when any concerns are raised regarding the 'fitness to study' for any of its students.

Fitness to study means a student's fitness to:

- commence a course of study
- continue with his/her current course of study
- return to his/her current course of study

and his/her ability to meet:

- the reasonable academic and practical requirements of the course
- the reasonable social and behavioural requirements of a student without his/her physical, mental, emotional or psychological health or state having an unacceptable impact upon the health, safety and/or welfare of themselves and/or other College students or staff.

Fitness to study is about ensuring that students enrolling and attending our College can practise within the expectations of their proposed profession safely and effectively. Students should be aware of the expectations of their career vocational pathway and recognise their own responsibility and accountability within their learning. Interpretations of fitness for practice and professional conduct may vary between disciplines and occupational standards.

This Procedure outlines the stages and actions the College will take when a concern has been raised about a student's fitness to study. Each stage identifies possible interventions and a course of action the College can make and what a student can do to enable continuation of their studies. In cases where a student is deemed too unwell to continue with their studies, the course of action may be a deferment for an agreed period of time, suspension, exclusion or withdrawal. Termination of enrolment may be the appropriate course of action if the student has not agreed to a recommendation or action plan made as part of this process. The stages usually follow on from each other but the process can be started at any stage.

This Procedure is to be used to ensure best-interest decision making, with the student at the centre of the process, supported by the College and relevant specialists/professionals; it is supportive, and not penal, in nature. This Procedure must always be applied in accordance with the Safeguarding Principles and Guidance (Appendix 4).

## **Application of the Procedure**

There are occasions when a student may endure a condition, experience a situation and/or undertake behaviours which could endanger either their own health and safety and/or the safety of other members of the College community. When a student's health or behaviour falls outside the career vocational pathway conduct required within their chosen studied course, the College will review whether the student is appropriately fit to study.

This Procedure is used when there is a significant concern that a student's health and/or behaviour has the potential to disrupt, threaten or seriously impede the welfare and academic progress of the student themselves, or of others within the College, its community or within work placement / experience settings. This includes unreasonable demands placed upon College staff, its teaching and learning environment, integrity of its qualifications and/or the professional and occupational standards required of a chosen career.

In accordance with its statutory duties, the College will make reasonable and practicable adjustments necessary to facilitate study at the College for students who have a disability (including those students who have diagnosed mental health conditions). Any actions to be taken in light of this Procedure will review whether appropriate and reasonable adjustments can be put in place, or whether the limits of reasonableness have been reached at that time.

Actions taken under this Procedure are not of a disciplinary nature. If action is to be taken about a student who is considered not fit to study then it shall be limited to such action as is necessary to safeguard the best interests of themselves, students and staff. If a student's conduct is considered to merit disciplinary action (subject to due consideration being given to conduct related to or a consequence of a disability) the Student Disciplinary Procedure shall be invoked in place of fitness to study. When invoking this Procedure, the College will offer support to the student in question and the level and form of support will vary according to the circumstances of the student.

If a student being assessed for fitness to study is an apprentice/being sponsored at the College by an employer, the Director of Marketing and Business Engagement must be immediately notified that there are concerns so that they may, if necessary, liaise with the student's employer.

Throughout this Procedure "student" includes all individuals who have applied for, or who are currently enrolled upon any study programme or course at the College. References to SENCo refers to the College's nominated staff in College who co-ordinate its Special Educational Needs and Disability SEND provision.

When working with this procedure, the College will have due regard for specialist/professional information, advice and guidance in order to safeguard the student themselves and others within the College, its community or within work placement / experience settings.

Where required and to support effective communication, it may be necessary to appoint a member of College staff as a single point of contact/single point of dissemination.

## Students Under 18

The College reserves the right to contact parents/carers/guardians regarding a student's fitness to study or practice. If a student under 18 years of age<sup>1</sup> is the subject of proceedings under this Procedure, where practicable a parent/guardian or carer will be invited to attend a Stage 3, 4, or 5 meeting (in addition to any companion), unless in the view of the member of staff conducting the meeting, such attendance would be prejudicial to a fair and effective meeting. Any letter sent to a student under the age of 18 as part of Stage 3, 4 or 5 of this Procedure must be copied into the parent/carers or guardian wherever practicable.

### Objectives:

- to support alternative arrangements and reasonable adjustments for applicants or students to complete their study programme or course when medical conditions, adverse situation or unacceptable behaviours arise or worsen;
- to address situations where there is cause to believe an applicant/student may not be fit to study or where information requested by the College is not forthcoming within an appropriate time scale;
- to maintain the integrity and standards of the qualifications the College delivers;
- to ensure any decisions about a student are made sensitively with the student's views forming a central part of any actions and recommendations that are reached through a collaborative approach;
- to ensure the College takes a fair and consistent approach.

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<sup>1</sup>Due to General Data Protection Regulation, we require student consent to talk to parents about College issues linked to attendance, progress or behaviour.

## THE PROCEDURE

### 1 Stage 1 – Initial Support and Guidance to Students/Reasonable Adjustments

- 1.1 Concerns may be raised by a College staff member, the student themselves, a fellow student or even managers/supervisors in external placement settings. A fellow student, or an individual from an external placement setting, may report concerns to any member of College staff. The concern must then be raised with the student's tutor/lecturer who has knowledge of the student. If necessary, the tutor/lecturer should check the College's Management Information System for an additional learning support disclosure made by the student. The nature of the concerns should be clearly identified and the tutor/lecturer should talk to the student and encourage them to discuss the issues.
- 1.2 The tutor/lecturer should direct the student towards an appropriate form of support either within the College (e.g. Student Journey, Safeguarding, Counselling) or to appropriate external organisations.
- 1.3 The information is used to establish how best we can respond to the individual need and what reasonable adjustments can be made. At each stage we will use our best endeavours to support students and to make reasonable adjustments with the aim of students remaining at the college.

### 2. Stage 2 – Heightened Concern or Sudden Deterioration

- 2.1 If concerns continue, or a more serious concern is received, then the matter is to be reported to the Academy Manager and a further approach will be made to the student. If there are concerns for the immediate safety of the student and/or others, the student may be advised to work from home for a short period. The student will be met with appropriate college staff ie. Academy Manager, Safeguarding Co-ordinator, the SENCo and any relevant external professionals/specialists to discuss next steps. The student needs to be made aware, in a supportive manner, of the concerns and given the opportunity to raise their own concerns and/or explain reasons and views on the matter.
- 2.2 The student again should be encouraged to use the services and support offered by the College and any external organisations (if relevant).
- 2.3 Where identified as appropriate, a Student Individual Risk Assessment<sup>2</sup> and/or Personal Emergency Evacuation Plan (PEEP) will be carried out, in consultation with the student.
  - 2.4 A record should be kept of the meeting and a letter sent to the student outlining the concerns and signposting them to services and support offered by the College and any external organisations (if relevant).

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<sup>2</sup> Refer to Student Individual Risk Assessment Procedure

### **3 Stage 3 – Serious, persistent and/or critical concerns**

If informal consultation under Stage 2 has not been successful, or the concern is considered to be too serious to deal with informally, this Stage 3 of the Procedure shall apply.

**3.1** The Academy Manager shall convene and chair a Formal Meeting/Case Conference. The Formal Meeting may include the presence of the student's tutor, personal tutor, the SENCo (or relevant Learning Support staff), and if appropriate the College's Health & Safety Officer and/or the College's Safeguarding Co-ordinator. At the discretion of the Academy Manager, the student may be invited to attend a whole or part of the this meeting. A note-taker should also attend.

**3.2** The student may be accompanied to this meeting by a fellow student, friend or other companion (if the companion is a lawyer [professional expert in law] they cannot be there in their legal capacity). The student must advise the Academy Manager within 24 hours of this meeting if they are to be accompanied, and if so by whom.

**3.3** The student must be advised in writing of the nature of the concerns, the possible actions which could be taken following the meeting, and any relevant papers or information (such as witness statements, risk assessments, or academic and performance information) to enable the student to prepare for the meeting. The College will endeavour to write to the student with all the above information at least 5 working days before the meeting. The written notification should detail the date and venue of the meeting and the student's right to be accompanied.

This notification period may be shortened in the event of an emergency (on the advice of SENCo and/or Safeguarding Co-ordinator or an appropriate external professional/specialist) or with the consent of the student. The College will put in place reasonable adjustments to enable the student to attend this meeting.

**3.4** The purpose of the Formal Meeting/Case Conference will be to ensure:

- the student is fully aware of the nature of concerns that have been raised;
- student's views are heard and taken into account and the best way to proceed is agreed upon;
- the student is fully aware of the possible outcome(s) if difficulties remain.

**3.5** Prior to, and in order to inform the meeting, the SENCo may seek medical/psychological information. Requests for medical/psychological information and reports shall be subject to the explicit written consent of the student. The medical information will help to address the concerns and support the student in the most effective manner possible, and inform an accurate assessment of risk to the student, the College, its students, staff and community. Medical/psychological information may be used to determine:

- the nature and extent of any medical condition the student may be experiencing;
- student prognosis;
- the extent to which it may affect his/her fitness to study and meet the demands of student life and College environment;

- any impact it may have or risk it may pose to others;
- whether any additional action/steps should be taken by the College,
- in light of the medical condition, to enable the student to study effectively;
- whether the student will be receiving any on-going medical treatment or support.

Should the student refuse to partake in the obtaining of medical information or disclosure of relevant and important information, the College may continue this Procedure and come to a decision based on information already in its possession.

**3.6** Prior to and in order to assist the process, a Student Individual Risk Assessment may be carried out or an existing Student Individual Risk Assessment reviewed with the student.

**3.7** The Academy Manager has the discretion to order the proceedings and may invite multi-agency professionals and instigate further enquiries to aid the process. This includes, but is not limited to, reviewing and considering qualification awarding body criteria and external professional standards.

**3.8** Representatives of the College, the student, and the student's companion (and their parent/carer/guardian if the student is aged under 18 years) should make every effort to attend the meeting. If the student persistently fails, without good reason, to attend a Stage 3 meeting which the College has asked him or her to attend, the meeting will take place, and a decision will be made, in his or her absence.

**3.9** The potential outcomes of this meeting may be:

- no further action is taken; monitor the student's progress for a period of time;
- recommend special academic arrangements/support/reasonable adjustment is put in place (the recommendation must be agreed with the Curriculum Manager and the student);
- with consent of the student, to agree that his or her studies be suspended/deferred for a period of time;
- with consent of the student transfer their study programme or course to another;
- with consent of the student to agree that he or she shall be withdrawn from the study programme or course and/or the College.

The Academy Manager will endeavour to write to the student (and their parent/carer/guardian if the student is aged under 18 years) confirming the outcome of the Stage 3 Formal Meeting/Case Conference within 5 working days.

#### **4 Stage 4 – Being asked to leave**

**4.1** In the most serious of cases, e.g. where it is considered that the health, safety and welfare of the student, and/or others within the College community is threatened, or where a particular course of action has been recommended with which the student has not agreed or complied, then suspension, deferment or termination of enrolment may be identified as the remaining course of action.



**4.2** This stage of the Procedure may only be invoked if there has been a referral from Stage 3 or, initial concerns are sufficiently serious to warrant consideration of termination of enrolment.

**4.3** The student will be invited to attend a meeting with a member of the College's Senior Leadership Team to discuss the concerns and all relevant issues.

**4.4** The Student may be accompanied to this meeting by a fellow student, friend or other companion (if the companion is a lawyer [professional expert in law] they cannot be there in their legal capacity). The student must advise the Senior Leadership Team member, within 24 hours of the meeting, if they are to be accompanied, and if so by whom.

**4.5** The student must be advised in writing of the nature of the concerns, the possible actions which could be taken following the meeting, and any relevant papers or information (such as witness statements, risk assessments, or academic and performance information) to enable the student to prepare for the meeting.

The College will endeavor to write to the student with all the above information at least 5 working days before the meeting. The written notification should detail the date and venue of the meeting and the student's right to be accompanied. This notification period may be shortened in the event of an emergency (on the advice of SENCo and/or Safeguarding Co-ordinator) or with the consent of the student. The College will put in any place reasonable adjustments to enable the student to attend the meeting.

**4.6** The purpose of the meeting will be to consider the evidence available, including the student's perceptions of these concerns, in order to:

- determine whether the objectives of Stage 3 (if applicable) have been met by the student;
- determine whether the College has put in place reasonable adjustments, where applicable and based on advice, to enable the student to continue to study;
- to assess the student's fitness to study and determine course of action;
- assess the necessary suspension, deferment, termination of enrolment or exclusion of the student from the study programme or course/College.
- determine whether to invoke the Student Disciplinary Procedure

**4.7** The potential outcomes of the meeting may include:

- to formally monitor the student's progress for a specified period of time;
- suspension/deferment of the student's studies;
- exclusion or termination of enrolment of the student from the College;
- any other action considered to be appropriate and proportionate.

**4.8** The Senior Leadership Team member shall endeavour to write to the student, (and their parent/carer/guardian if the student is aged under 18 years), to confirm the outcome of the Stage 4 meeting within 5 working days.

## **4.1 Deferment or Suspension**

**4.1.1** In the most serious cases of threat to health, safety and welfare to the student or others within the College community, a member of the Senior Leadership Team (SLT) may suspend the enrolment of the student pending further action.

SLT will determine if the case should be addressed through the Fit to Study Procedure or whether it is more appropriate to be addressed through the Student Disciplinary Procedure.

The Curriculum Director must gain authorisation from a member of SLT to suspend a student. Any such suspension will be confirmed in writing by SLT member within 5 working days of its occurrence.

If the student is under the age of 18 years the Academy Manager must notify, by telephone, the student's parent/guardian/carer of the suspension and their removal from College premises. Such contact must also be made unless there are compelling circumstances or reasons where it would be considered inappropriate.

If a student being assessed for fitness to study is an apprentice/being sponsored at the College by an employer, the Director of Marketing and Business Engagement must be immediately notified of the suspension so that they may, if necessary, liaise with the student's employer.

**4.1.2** If the suspension lasts for more than 15 days without being lifted or a date for a formal meeting (Stage 4) being set the student shall have the right to appeal against the suspension by writing to the College Principal setting out the grounds on which they feel the suspension is not justified in the circumstances. The Senior Leadership Team member who imposed the suspension will file a written statement of the reasons that suspension is considered appropriate. The Principal will within 10 working days of receipt of the student's appeal consider both sets of written evidence and make a decision on whether the suspension should continue, and communicate that decision, in writing, to the student. There is no further appeal against this decision.

## **4.2 Appeal**

**4.2.1** A student may appeal against the decision of the Senior Leadership Team member made at Stage 4 by writing to the College Principal within 10 working days of the date of the letter confirming the decision (paragraph 4.4.8). The student must set out in detail the grounds of appeal on which they feel the decision is not justified.

**4.2.2** An appeal must be on the grounds that:

- correct procedures were not followed;
- the decision of the Senior Leadership Team member could not, given the evidence available to him or her, be reasonably upheld

**4.2.3** The appeal will be dealt with on paper, and the Senior Leadership Team member who made the decision being appealed will be asked to submit, within 10 working days of receipt of the student's appeal, a written report setting out the reasons behind their decision.

The Principal will consider the papers in the absence of both parties. The decision, which shall be final and binding, shall be one of the following:

- to dismiss the decision of the Senior Leadership Team member;
- to uphold the decision of the Senior Leadership Team member;
- to substitute the decision of the Senior Leadership Team member with an alternative limited to those available within paragraph 4.4.7.

**4.2.4** An appeal is not a re-hearing of the matter, but a review of the basis upon which the Senior Leadership Team member reached a decision. Accordingly, documentary evidence will not be considered unless its presence is considered necessary as it could not have been available to the original meeting.

**4.2.5** The decision of the Principal will be notified in writing to the student, (and their parent/carer/guardian if the student is aged under 18 years or 18+ if the student has consented to contact a parent or advocate), within 10 working days of receipt of the student's appeal.

## **5. Stage 5 - Return to Study**

**5.1** After a defined break in study a student may make a request to the College for permission to return to a study programme or course. The Academy Manager, in consultation with the SENCo, the College Health & Safety Officer and/or College Safeguarding Co-ordinator (as appropriate) will identify the concerns that the College may have (if any) in respect of the student's fitness to study.

**5.2** The SENCo may also contact relevant medical professionals (e.g. GP/Educational Psychologist) for an assessment of the student's ability to manage the demands of returning to study at the College and be within its teaching and learning environment. The SENCo may draw attention to the nature and extent of the previous concerns identified due to the student's previous difficulties.

**5.3** The student will be permitted to return if the College is satisfied, having received medical evidence, that he or she is fit to study and operate well within the teaching and learning environment, and be able to comply with conditions imposed (if any) upon his or her return.

**5.4** In cases where a student returns to study following the implementation of this Procedure, the College shall hold an initial meeting with the student (and their parent/carer/guardian if the student is aged under 18 years) to discuss what support measures need to be put in place for the student's return and establish a return to study plan.

This initial meeting should include the student's prospective tutor/lecturer, the SENCo, and where appropriate the College Health & Safety Manager and/or Safeguarding Lead. Meeting attendees may decide to schedule regular review meetings with the student, to monitor and support a return to study. The student will provide his or her co-operation in review meetings.

There should be a written record of what is agreed for the return to study plan and a copy given

to the student. If external agencies are to help enable the plan, copies of the same must also be submitted to them.

**5.5** The tutor/lecturer and SENCo shall make arrangements with the student for monitoring and reviewing the return to study plan.

## **6. Monitoring and Action Plans**

Any decision taken at Stage 3, 4 or 5 to monitor the student's progress for a specified period of time must be subject to a documented action plan agreed with the student. The plan should outline the steps the student will need to take and/or any support they are to be provided with to address the concerns raised. The action plan must contain specific, measurable, achievable, realistic, and timely targets (SMART). Regular review meetings will need to be arranged with nominated and appropriate members of College staff. If at the end of the review period the identified concerns have been resolved, this should be noted in writing with the student. If identified concerns have not been addressed a further review period may be required or the case will move to the next stage of this Procedure.

## **7. General matters relating to Procedure**

**7.1** The College will take account of relevant legislation such as the General Data Protection Regulation/ Data Protection Act 2018, the Mental Health Act 2007, the Mental Capacity Act 2005, the Human Rights Act 1998 and the Equality Act 2010 together with the general duty of confidentiality. In cases where Stages 3 or 4 of this Fitness to Study Procedure has been invoked, or a suspension (paragraph 4.7) invoked, the identified College staff member will make a decision about whether the student's emergency contact should be informed, and discuss with the student and the College's Safeguarding Lead, whether any statutory services should be contacted.

**7.2** The College acknowledges that as a result of implementing this procedure it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties and shall ensure that all such data is processed in accordance with the General Data Protection Regulation/ Data Protection Act 2018 and the common law duty of confidentiality.

**7.3** The student will be asked to authorise full disclosure to the College of the results of any medical examination/assessment. The College recognises that all information relating to fitness to study cases will constitute "" " special category data" for the purposes of the General Data Protection Regulation /Data Protection Act 2018 and will be processed accordingly.

## **8. Variations and Amendments to this Procedure**

In some cases it may be desirable that variations should be made to procedural aspects of this Procedure. The College may make such variations as it sees fit, subject to informing the student concerned and subject always to considerations of fairness, equality and diversity legislation and the Human Rights Act 1998. Without limitation such variations may include interviews or meetings being conducted by different persons, if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered.

## **9. Responsibilities**

**9.1** At all times initial discussions will be kept anonymous if possible and only involve the relevant and necessary staff in line with our policies on Data Protection and confidentiality.

**9.2** Students should recognise and accept their responsibility towards their own wellbeing and the safety and wellbeing of other students and College staff.

**9.3** Relevant teaching staff should:

- ensure the earliest possible identification of a student with concerns;
- regularly monitor and review each student's progress and take appropriate action.

**9.4** The SENCo or appropriate learning support staff and any other relevant staff should:

- establish clear systems for identifying and assessing students who have concerns;
- involve students and parents/carers/guardians as partners in the Safe to Study or Practice process;
- seek outside agencies' advice and involvement as necessary with the consent of the student;
- co-ordinate a small panel to advise of necessary adjustments for student support;
- be responsible for regular review of the impact of the individual adjustments;
- make recommendations for the training needs of staff.

**9.5** The Vice Principal Curriculum & Quality is responsible for the day to day operation of this Fit to Study or Practice Procedure.

## **10. Concerns and complaints**

Given the sensitive nature of the issues surrounding students within this procedure, any student/parent/carer/guardian with a specific concern or complaint relating to the provision or any actions/recommendations is welcome to address these directly to our SENCo, who will note any complaints and arrange a suitable follow up meeting to discuss the situation. If this does not solve the issue or allay the complaint, then the student/parent/carer/guardian is welcome to follow the procedures in our Talkback Policy.

## **11. Monitoring, Evaluation and Review Date**

The Equality and Diversity Committee, Safeguarding Strategic Group and Governing body will review this Procedure every year and assess its implementation and effectiveness. The Procedure will be promoted and implemented throughout the College.

## **12. Safeguarding Principles and Guidance**

City College Plymouth recognises that it has a duty to safeguard and promote the welfare of students. We are committed to fulfilling these duties and recognise amongst other things:

- that safeguarding, and promoting student welfare, is everyone's responsibility
- the importance of always adopting a person-centered approach
- the necessity to provide a safe environment for learning for everyone

It is important to keep the above in mind when concerns are raised through the Fit to Study/ Practice Procedure to also to ensure that we appropriately respond each time a concern is raised.

Consider the best way to undertake discussions with students, so that they feel more relaxed and comfortable and always take into consideration, the maturity (rather than age), and confidence of the student about whom concerns have been raised in accordance with this procedure.

If in doubt, seek further guidance from the College SENCo, Safeguarding Co-ordinator or a member of SLT.

**5 working days to send**

**RE: Outcome of Fitness to Study Stage 4 meeting - TERMINATION OF ENROLMENT/DEFERMENT**

I am writing to you following the meeting held on XX/XX/XXXX.

*(The letter must contain a summary of the issues, any meeting /discussion details, the grounds for deciding on the relevant outcome and the right of the student to appeal ).*

The panel have discussed your case and have serious concerns regarding your 'Fitness to Study'. This is due to .....*(e.g. ....the potential risks we have identified regarding the health, safety and welfare of yourself and others within the College community).*

We are committed to maintaining a safe and secure environment for our students, staff and visitors. We have a duty of care to our wider College community and ..... has caused concerns regarding ..... Given your current circumstances it is our professional judgement that studying at this time is not appropriate.

As a result of these findings I have decided to exclude you [*if excluding add in about handing in lanyard ID card and staying off premises*] but allow you to defer your studies until XX/XXXX. This will be subject to you being able to demonstrate ..... and that you have developed suitable coping mechanisms to enable you to benefit fully from this learning environment. Therefore, should you choose to take this option, you will need to re-apply to commence your chosen programme for XX/XXXX and also meet the respective entry criteria.

You have the right to appeal against this decision in accordance with the College's 'Fitness to Study or Practice Procedure' which you have previously received.

If you have any further queries please contact.....

Yours sincerely,

<b>Legislation/Guidance</b>	<b>Year</b>
Care Act	2014
Childcare (Disqualification) Regulations	2009
Childcare Act	2006
Children Act	1989, 2004, 1989
Children and Families Act	2014
Data Protection Act /GDPR	2018
Education Act	1996, 2002
Equality Act	2010
Health and Safety at Work Act	1974
Human Rights Act	1998
Keeping children safe in education guidance	2014
Mental Capacity Act	2005
Mental Health Act	2007
Mental health and behaviour in schools	June 2014
No Health Without Mental Health strategy 2011	February 2011
Social Care - Institute for Excellence	
Supporting pupils at school with medical conditions	September 2014
UN convention on the Rights of the Child	1989
Working Together to Safeguard Children	2018