



**Buckinghamshire  
College Group**

# **Student Fitness to Study Policy 2020-22**

Responsible Officer:	Executive Director for Student Support and Services
Date:	January 2020
Review date:	January 2022
Procedure available:	Intranet/Cloud
Policy authorised by:	Executive

## **Policy Statement**

Buckinghamshire College Group (BCG) is committed to being a welcoming, inclusive college for all who learn, work or use our services. We believe in respect for everyone; we want to develop our community by valuing diversity and advancing equality.

## **Background**

Buckinghamshire College Group recognises that people may face a variety of difficulties and challenges whilst at college, which impact on the chances of success and progression. At Buckinghamshire College Group, our aim is to ensure that everyone who works and learns at the College achieves their full potential in an inclusive environment, free from discrimination. We will engage our best endeavours to meet the needs of students with learning needs, medical conditions and disabilities. We will make all reasonable adjustments so that barriers are removed to enable academic success.

## **Purpose**

There may be times when the physical or mental health of students is so affected that academic progress is unable to be maintained. In very rare situations where support is required beyond what is reasonable, it is useful to bear in mind that;

- Whilst on a temporary basis it is reasonable for subject teachers and support staff to be flexible with attendance due to ill (physical or mental) health, prolonged periods of absence may not be sustainable, as many courses cannot be taught long distance.
- There may be times when the nature of a student's ill health requires support beyond the expertise or capacity that we can reasonably offer.
- Occasionally ill health may also present a health and safety hazard and in this situation a risk assessment will be undertaken. Sometimes risks cannot be managed at an appropriate level in the college environment.
- There may be other circumstances such as pregnancy or gender reassignment surgery where the principles of this policy will apply.

Although Buckinghamshire College Group and its staff will do everything in their power to support student success, there are occasions where, for one or more of the reasons above, it will be our collective judgement that to continue at the college is no longer in the best interests of the student.

## Definitions:

- **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 journeys to success will vary greatly.

- **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.

## Responsibilities

Buckinghamshire College Group will use its best endeavours to support students when issues arise which mean they are finding it difficult to meet the college's expectations of attendance and academic progress. Physical and mental health conditions may be temporary or permanent, stable or prone to remission.

On an individual basis, Buckinghamshire College Group will look at any possible flexibility around academic progress (attendance, meeting assessment expectations, length of programme) and the support (types, location and frequency) that is needed for students to remain at college. We will make reasonable adjustments, e.g. supporting students to study at home for a short period as a temporary measure. There may also be circumstances where health professionals provide education whilst medical treatment is being provided. In these cases, Buckinghamshire College Group will work closely with medical and educational staff to ensure education continues to remain accessible.

*The following should be considered on an individual basis:*

- A minimum level of attendance and/or contact may need to be maintained overall that will allow students to realistically achieve. Specific expectations regarding attendance will be set in each case depending on individual circumstances.
- It is reasonable for teaching staff, on a short term temporary basis, to liaise with students via email and online learning platforms.

- The Student Support Team, Performance Coaches and Tutors can provide general support on site and via the student portal to 'keep in touch' and where complex medical or psychiatric support is needed refer students to external agencies and services.
- Students must prepare for assessment through completion of homework, coursework and exam preparation. Academic success depends on engagement in classroom activity. Long periods of complete absence or very poor attendance may make students' studies untenable. With regards to coursework and homework, if students fall significantly behind with their deadlines, despite extensions being offered, then there comes a point at which catching up is not viable.
- The college has to meet awarding body regulations with regards to meeting coursework deadlines, specification requirements and procedures for access arrangements.
- Where it is deemed reasonable a different qualification aim or level may be made available to the student to help manage their current situation and/or workload during this period.

### **Fitness to Study Process**

When issues arise, Buckinghamshire College Group will follow a staged process as outlined in Appendix 1. 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. There may be situations where the College believes that we have exhausted the support options available and made reasonable adjustments but students are unable to maintain their fitness to study. This means that, in very rare circumstances, it may not be possible for students to remain enrolled at the college.

In these situations, the best interests of each student and their welfare are at the centre of decisions. The student who has struggled to maintain academic progress against the odds and for whom trying to keep the structure of college life going has been so far a positive factor in their rehabilitation, may find that there comes a point at which trying to catch up after a lengthy absence may have more of a negative impact on health than withdrawing from studies. To continue in this negative situation would place the college in breach of its duty of care to young people.

A panel of college staff, including the relevant Faculty Director and Curriculum Manager and other key staff which may include Course Leader, Performance Coach, member of SEND staff and usually chaired by the Head of Student Services will review each student's situation and may make a recommendation for withdrawal via the Faculty Director for the area and the Executive Director for Student Support and Services. If withdrawal is the outcome, then the student would have the right of appeal as outlined in Appendix 1.

If it is recommended that a restart in the following academic year is an option, the Executive Director Student Support and services will, in consultation with the Faculty Director, make that decision. Any restarts would be with the recommendation of external agencies involved, the agreement of parents/guardians and an agreed support plan written by the Curriculum Manager supported by Head of Student Services and/or Head of Learning Support. When students withdraw from studies, guidance will be given both on what support might be appropriate to ensure fitness to study on return, but also what evidence will be expected at enrolment to support this.

## **Legislation**

Students with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g. the Health and Safety at Work Act 1974, the Equality Act, 2010, Keeping Children Safe in Education 2014 and the SEN Code of Practice. All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the common law of confidentiality.

There may be occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent.

- Where the learner's behaviour threatens their safety or the safety of others
- Where the College would be liable to civil or criminal charges for failure to disclose

Where a young person has an Educational, Health and Care Plan the named Local Authority will be kept informed at each stage where there is a risk of the student being unfit to continue to study.

## **Related Policies**

This Fitness to Study policy should be read in conjunction with other College policies, in particular (this is not an exhaustive list):

- Equality and Diversity Policy
- Disciplinary Policy
- Safeguarding Policy
- Data Protection Policy
- Induction Policy and Procedures
- Attendance and Punctuality Policy and Procedures

## **Appendix 1: Fitness to Study Procedure**

These time-frames and stages are indicative and may vary from student to student. It may be appropriate in some cases to remain at the concern stage for a longer period of time or to move straight to a panel review.

### **Concern**

The student is absent through ill-health or is failing to make academic progress because of a physical or mental health condition. The Curriculum Manager raises concerns with the student and/or parents/guardians. The Curriculum Manager with support from the Performance Coach (where applicable), in liaison with staff from the Curriculum Team, puts agreed targets and interventions in place for the student to have the best opportunity to increase attendance and catch up. The Curriculum Manager and Performance Coach reviews the situation in an agreed time frame. In most cases this will be two weeks' time.

### **Fit to Study Review 1**

The student continues to be absent through ill-health (an absence of more than four weeks) or is failing to make academic progress because of a physical or mental health condition. The Curriculum Manager and Student Support/Learning Support (as appropriate), review the support plan and agrees targets with parents/guardians and student at a formal meeting. The Curriculum Manager reviews the situation in an agreed time frame. In most cases this will be two weeks' time.

### **Fit to Study Review 2**

The student continues to be absent through ill-health (absence of more than six weeks) or is failing to make academic progress because of a physical or mental health condition. The Curriculum Manager, Student Support/Learning Support (as appropriate), and reviews the support plan and agrees targets with parents/guardians and student at a formal meeting, with the Faculty Director present. The Curriculum Manager reviews the situation in an agreed time frame. In most cases this will be two weeks' time.

### **Panel review**

If, when the final stage is reviewed, the student cannot demonstrate fitness to study, a panel, chaired by the Student Services and/or Head of Learning Support where student has an Educational, Health and Care Plan, including; the Curriculum Manager, Performance Coach, Course Leader, Student Support and/or Learning Support will review the student's position at the college. The panel may make a recommendation for withdrawal. If withdrawal is the outcome, then the student will have the right of appeal to the Vice Principal. The student will always be offered a careers interview to explore alternative options and referrals to external agencies as appropriate. The Head of Learning Support may call an emergency Annual Review in place of this panel review to ensure all agencies working with the student are involved in the decision making.

The outcome of the panel review will be communicated with parents/guardians and students within 48 hours if they are not present at the meeting.

## Appeal

Appeals must be submitted in writing to the Vice Principal of Quality and Learning, within ten days of receipt of confirmation of the decision to withdraw the student. Appeals may be made under the following criteria:

- The student, parent or guardian can demonstrate a serious breach in the handling of this fitness to study process.
- The student has substantial, relevant evidence that was not available to consider at the Panel review.

## Equality Impact Statement

We have a duty to consider the impact of changes on groups with Protected Characteristics (race, disability, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership).

What are the overall aims of the change? Why are you proposing it?	The aim of this policy is to provide a framework to ensure that the guidelines are in place to support all stakeholders
Given the aims of your proposal, what issues does your data/information highlight?	Everybody is included within this policy, and all groups are given equability in regards to their needs and provisions
How could the proposed change affect positively/negatively on groups with protected characteristics?	This has a positive impact on all groups with protected characteristics, as they are ensured equal treatment and provision based on their needs. Risk assessments may be carried out to ensure that this is the case and provisions maybe altered to accommodate specific needs
What actions will you take to mitigate any negative impact?	No negative impact to having this policy
Is there any potential negative impact justified in light of wider benefits of the proposal	No negative impact to having this policy
Recording final decision	This policy requires Executive approval
Has the policy taken into consideration the requirements of GDPR regulations? Are there any actions that need addressing, e.g.; data sharing agreement; has data consent been considered; data retention timescales?	GDPR regulations have been considered and actions comply with data protection requirements.