



**Richmond upon
Thames College**

Title:	Fitness to Study Procedure 2022-23
Date Created:	July 2022
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Approved by SLT:	August 2022
Review Date:	August 2023
EDI Impact:	The impact of this policy on equality and diversity issues has been reviewed. Implementation of the policy will improve opportunities and fair access for all groups of learners and individuals and narrow any achievement gaps that exist.

Statement of Procedure purpose

Richmond Upon Thames College is committed to supporting students and recognises the importance of mental health and wellbeing in relation to academic progression. A positive approach to the management of 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 self or others and/or abusing other staff or students. This will include, for instance, situations where students show 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 the student and others.

This Procedure outlines the process and procedures to be followed when a student's health, wellbeing and/or behaviour affects their ability to cope at college, to study or progress on their course or when their health, wellbeing or behaviour poses a risk to the health and safety of self and/or others.

This procedure may be used in response to an acute situation/incident or in response to a longer-term period of related incidents that have collectively caused concern. Alternatively, the Break in Study option¹ should be used where the student is going to be absent from college for a set period of time e.g. due to in-patient treatment.

The procedure applies to all students enrolled at Richmond upon Thames College regardless of their background or protected characteristic which are age, disability, gender re-assignment, marital and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

This Procedure is not intended for use during the interview or Admissions process but during a student's time studying at college.

1. Introduction

1.1 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's behaviour requires considered and sensitive management rather than disciplinary sanction.

1.2 Whilst we accept and understand that some students come to us with pre-existing medical or mental health conditions that make College life challenging for them, it should be noted that if the pre-existing condition manifests itself in such a way as to cause the student to

¹ See stage 3 of the procedure for further information on Break in Study

breach a RuTC policy or procedure e.g. the Support and Disciplinary or Attendance policy, the condition will not in and of itself exempt them from adherence to the policy in question.

1.3 The College will strive to find a co-ordinated approach to the management of a situation where physical or mental ill-health may not permit a student to benefit from the educational opportunities afforded to them at a particular time or where it is adversely affecting the student experience of others or requires support at a level that has extended well beyond that which can reasonably be expected of the College.

1.4 This procedure has three levels of concern. The cause or causes for concern can result in entering the procedure at any level although it is hoped that most situations can be remedied by action taken at stages 1 or 2.

1.5 Concerns about a student's health or behaviour should be acted upon promptly. Early action/intervention can often prevent a situation from developing into a crisis.

1.6 The procedure aims to ensure that:

(i) The best interests of the student are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience.

(ii) Students are supported to study to the best of their ability, and wherever possible to meet the required learning outcomes and complete their course.

(iii) Students who are experiencing difficulties in relation to their health, wellbeing and/or disability are supported to address their difficulties at the earliest appropriate point.

(iv) Students are able to make informed decisions regarding options available.

Any reasonable adjustments that the student may be entitled to are considered and where appropriate put in place.

1.6 Staff from College curriculum areas and from central Student Services work together where appropriate so that students experience a consistent and fair process.

1.7 The Fitness to Study procedure can be implemented by any member of staff. Stage 2 and Stage 3 meetings should be chaired by a Head of School/ Deputy Head of School. If staff are unsure about whether to implement this procedure, they should seek advice and discuss their concerns with the Director of Student Experience/ Head of Student Services and/or the Head of School. In order to work within the boundaries of confidentiality and data protection these initial concerns need to be discussed without using the student's name.

1.8 Where a student declares a physical or mental health condition that may affect their studies, medical evidence must be provided to the college. This is in order to make judgements about what support will be needed in order to meet the needs of the student at college, and also to enable the use of Medical Absence register marks as appropriate (e.g. for

medical appointments, periods of ill health). If medical evidence is not provided this will limit the support options available to the student.

At the point of declaration the student will be invited to discuss their support needs and consent obtained to share information with curriculum and support staff in order to coordinate a support plan.

1.9 Any Fitness to Study meetings should be minuted and recorded on internal college systems. The Signs of Safety Pro Forma in appendix 1 may be used for this purpose.

Stage One

2. Stage One Concerns emerge about a student's health and safety and ability to study based on deterioration in health, attendance or behaviour.

2.1 A member of staff who knows the student (e.g. tutor, Student Services key worker) should approach the student in a supportive way and indicate that there is a recognised concern about the student's wellbeing. The nature of the concern should be clearly identified and, if appropriate, information should be provided about support available through the College (e.g. Student Services or Counselling Services) and the student reminded about external support such as the student's GP (N.B. counselling and other internal support services cannot be made mandatory for a student). If a student is already working with external services, evidence of diagnosis and support needs should be asked for if they have not already been shared with the college. Any medical evidence should be recorded and uploaded on internal college systems.

2.2 The student and member of staff should agree on actions to be taken and the actions recorded on internal college systems. SMART targets may be set in relation to the actions. A review date should be agreed and included in the file note.

2.3 The staff member should explain to the student that the same or additional concerns for health, wellbeing or fitness to study may lead to their fitness to study being more widely considered in stage two.

Stage Two

3. Continued concern about a student's health, safety and ability to study related to a significant deterioration in attendance, health or behaviour and interactions or a significant initial concern about a student. For students aged 18 years of age or under, a parent or guardian will usually be informed

3.1 The student will be invited to attend a meeting with the Head of School/ Deputy Head of School and the member of staff expressing concern. The student should be made aware of the purpose of the meeting and advised of any documents they may need to bring. The student should be informed of the meeting in writing (by email, Teams or postal letter and confirmed in a phone call) at least 2 working days before the date of the meeting. The student

may be accompanied by a friend or family member or by a representative from Student Services if requested. Students with disabilities may also be accompanied by a support worker as appropriate to their needs.

3.2 The purpose of the meeting will be to outline concerns and ascertain the student's perception of the issues identified and also to ensure that the student clearly understands College expectations regarding fitness to study. It will be important to identify and agree an action plan following the meeting, including the support needed and who will provide this. The consequences of not adhering to the action plan should be clearly outlined to the student. A short summary of the meeting, the agreed action plan and the consequences of non-compliance should be sent to the student within 3 working days of the meeting. The meeting must be documented and recorded centrally on internal college systems. Regular review meetings should be set up with the student and the agreed named staff member who will also be the central point of contact regarding the student. The frequency of these reviews should be agreed at the meeting.

Stage Three

4. The most serious level of concern can be reached either through progression from stages 1 and 2 or directly if there are significant concerns about the risk to the health and wellbeing of the student, safety of self, students, staff or to others. At this stage, parents or guardians would be informed if the student is aged 18 years of age or under, except in exceptional circumstances.

4.1 A stage 3 meeting will be called by the Head of School. Prior to this, the Head of School will contact all professionals working with the student (internal and external) to ascertain the facts as known in order to facilitate a discussion at the meeting (other staff e.g. Student Services or tutor may assist with this).

The Chair will be the Head of School. Other relevant staff and professionals (SENCo, Student Services staff, Senior Mental Health Lead, allocated social worker etc) and a minute taker may also attend dependent on the circumstances. Consideration needs to be given to the number of staff present so that the student does not feel overwhelmed. Others may be called to provide information or to provide written statements and notes from previous stages provided to the chair in advance of the meeting.

4.2 The student should be informed of the meeting in writing (by email, Teams or postal letter and confirmed in a phone call) at least 2 working days before the date of the meeting.

4.3 The student will be invited to attend the meeting (either in full or for part of the meeting as appropriate to their needs) and may have a friend or family member accompany them for support. Students with disabilities may also choose for their support worker to attend.

4.4 In the event that the student is unable to attend the conference for whatever reason, the conference may go ahead in their absence. If appropriate the student may attend by phone

or Teams. In these circumstances all reasonable efforts must be made to ensure their opinion is fairly represented.

4.5 The conference may consider various options including a break in learning, part time study (reduced timetable), study from home, or a recommendation for withdrawal or exclusion of the student.

Where part time or remote study are agreed, this must be for a short term period and will only be authorised if the college is provided with supporting medical evidence, an agreement to engage with regular welfare visits² and with an appropriate return-to-study plan in place at the end of the agreed period. The college is not able to offer remote working as a long-term option.

N.B – If Break in Study is the agreed outcome please refer to the Break in Study process in appendix 2.

4.6 The actions arising out of the meeting will be agreed, documented and circulated to all in attendance including the student. All actions should have specific time frames where adherence will be a condition of any re-entry to programmes of study.

4.7 If the outcome of the meeting is a recommendation that withdrawal or exclusion is the best course of action this must be approved by the Assistant Principal for Curriculum and Quality. Subject to withdrawal or exclusion being approved by the Vice-Principal, a letter should be sent via post and email to all the student addresses (and parent email if under 18) known to the College.

Returning to Study

5.1 Students should be informed of the procedures to be followed for returning to study as soon as possible, and ideally should be agreed and minuted during the stage 3 meeting.

5.2 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 medical evidence of fitness to study such as a GP's letter and of appropriate support systems in place. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student and the demands of education in order to make an informed decision regarding return to study. Specific reference should be made to the student's capacity to return to study and any risk management needed to ensure the student's safety while on site.

5.3 The decision to allow return to study will be made by the VPC&Q or Head of School in consultation with appropriate curriculum colleagues if applicable. There must be assurance

² For students who remain at home during this period. Does not apply to those who are hospitalised during a break in learning.

of fitness to study, compliance with any conditions imposed, and the availability of support upon return.

5.4 Regular review meetings should be arranged with the student's curriculum area so that student progress can be monitored and student support modified if necessary.

5.5 When return to study is not deemed to be an option and the student wishes to challenge this, the existing complaints and appeals policies and processes should be followed.

5.6 If the student is not satisfied with the outcome of the Fitness to Study process, including when safeguarding procedures have been invoked, they may appeal to the Vice Principal Curriculum and Quality within 10 working days.

Consent, confidentiality, and data protection

6.1 Data protection

6.1.1 All College staff are governed by the requirements of the Data Protection Act 1998 and 2018 and General Data Protection Regulations. Under these, 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 followed 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.

6.2 Confidentiality

6.2.1 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.

6.2.2 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 and the student's decision recorded. 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 are not limited to:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety

- When the student is at risk of abuse, exploitation, or significant harm including suicide
- 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).

6.2.3 Staff should consult with the VPC&Q or a Designated Safeguarding Lead 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.

7. Related Policies/Documents

Child and Vulnerable Adult Protection Policy

RUTC Student Mental Health Policy

Equality Policy Statement

College Health and Safety Policy

General Data Protection Regulation Policy

Complaints Procedure

8. Acknowledgement – Guildford College Group

Appendix 1.

Fitness to Study procedure flowchart

Stage 1

- Concerns emerge
- informal meeting with student to discuss concerns and support available. Signposting to internal and external support agencies as appropriate.
- Consent to share information obtained.
- request any medical evidence of declared conditions - copy to Student Services, scanned and uploaded to promonitor
- agree on actions to be taken and the actions recorded on Pro-monitor. A review date should be agreed and included.
- escalation process explained

Stage 2

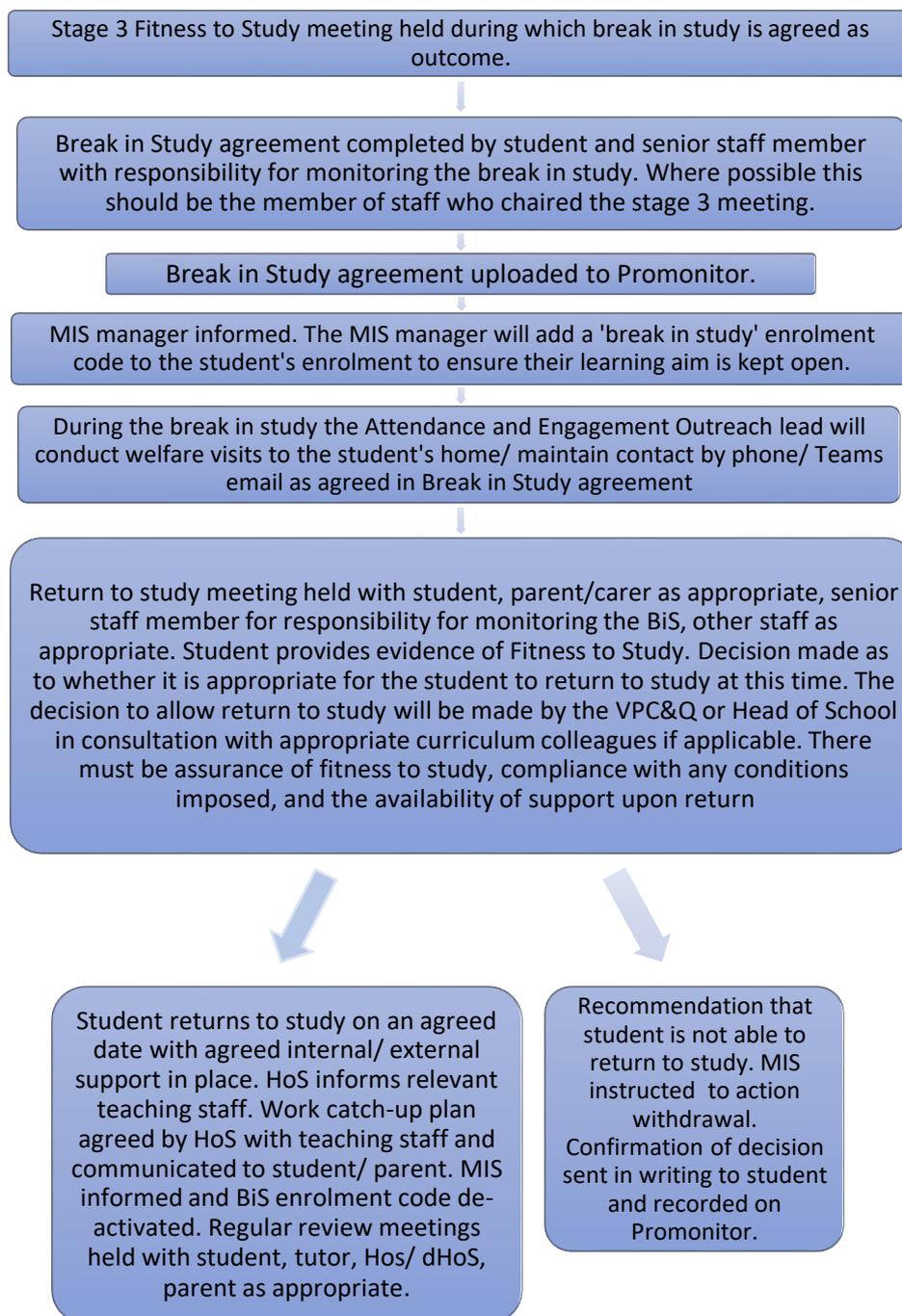
- Continued concern - significant deterioration in attendance, health or behaviour and interactions or a significant initial concern about a student.
- If student is U18 inform parent/ guardian
- meeting with HoS and member of staff expressing concern. Student should be made aware of the purpose of
- the meeting and advised of any documents they may need to bring. The student should be
- informed of the meeting in writing (by email, Teams or postal letter) at least 2 working days before the meeting.
- At the meeting, outline concerns and College expectations; obtain student views. Agree an action plan. Consequences of not adhering to the action plan explained to student. Agree regular review meetings with student.
- Summary of meeting sent to student within 3 working days of the meeting. Record on college systems.

Stage 3

- Meeting called and chaired by the Head of School. Head of School gathers information from other staff/professionals ahead of meeting.
- Student informed of the meeting in writing (by email, Teams or postal letter and confirmed in a phone call) at least 2 working days before the date of the meeting. Parents or guardians informed if the student is U18.
- Other staff/ professionals invited to attend as appropriate, or provide written reports in lieu of attendance
- If student is unable to attend the conference the meeting may go ahead in their absence. Student may attend by phone or Teams.
- Options to be considered include a break in learning, part time study (reduced timetable), study from home, or a recommendation for withdrawal or exclusion.
- Outcome of meeting to be recorded and communicated to relevant staff (e.g. VPC&Q if withdrawal is recommended)
- Record and outcomes of meeting circulated to all in attendance including time frames.

Appendix 3.

Break in Study process



Appendix 4.

Break in Study agreement (16-19 learning programme)

This document is to be completed with the student during the meeting where Break in Study is agreed. Please ensure all sections are completed including all relevant dates.

Student name:

RuTC ID:

Date agreed:

Senior staff member responsible (Head of School or above):

Date that break in study will commence:

Date of planned return:

N.B - Return to study action planning meeting with student and Head of School to take place one week prior to planned return date above.

Agreed frequency of welfare visits:

To be read and signed by the student:

- I understand that a break in study has been agreed to support me with my education. I agree to return to full time in-person study from the date agreed above and understand that if I do not return to study at this time that I will be withdrawn from my study programme.
- If during the break in study period I feel that I will not be able to return on the agreed date I will contact my Head of School in order to agree a revised date. I understand that any revision to the agreed return date is at the college's discretion.
- I agree to engage with welfare visits which will be conducted by the college's Attendance, Engagement and Outreach lead as agreed above.
- During my break in learning I will have access to college systems including Teams and college email and may continue to use these should I wish, although there is no expectation for me to participate in learning activity during this time. If I wish to visit the college in person I must contact my Head of School to arrange this.
- I understand that to facilitate my return to learning it is my responsibility to provide the college with medical evidence of my fitness to study. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of my needs and the demands of education to make an informed decision. Specific reference should be made to my capacity to return to study and any risk management needed to ensure my safety while on site.

I confirm I have read and understood the above

Name:

Signed:

Please ensure a copy of this form is uploaded to the student's Promonitor page and copied to the MIS manager.