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# Fitness to Study/Practice Policy

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## 1. Policy Statement

City of Bristol College is committed to supporting all students to fulfil their potential which includes both achieving the qualification on which they have embarked and achieving employment in their chosen career. Occasionally a student's circumstances, conduct or mental or physical health may impact on their or others' ability to fulfil that potential.

This policy applies to all students and in accordance with the Equality Act 2010 the college is committed to act fairly and to make reasonable adjustments where needed to enable students to pursue their studies and, in regards to professional courses, their chosen profession.

## 2. Scope

This policy applies to all applicants and to all students at all levels enrolled on a course at the college.

**Fitness to Study** relates to an individual's capacity to engage satisfactorily as a student, in relation to academic matters and college life. Concerns might include issues in a student's private life. Concerns include: behavioural and social expectations; physical, emotional and mental wellbeing; health and safety and the wellbeing and safety of other individuals.

Examples (not an exhaustive list)

- Use or misuse of alcohol or drugs (including driving under the influence) that affects studies
- Use/handling of illegal substances
- Physical or mental health issues that are not satisfactorily managed and remain a concern after reasonable adjustments have been put in place
- Threatening, aggressive or violent behaviour
- Inappropriate behaviour including discrimination, harassment and sexual misconduct
- Behaviour that contravenes the Health and Safety Act that poses a risk to the individual, staff, other students or the public
- Contravention of the college Assessment Policy

**Fitness to Practice** specifically relates to students on courses with a practice component leading to registration with a professional, regulatory or statutory body that entitles the student to practice in that profession, e.g. childcare, counselling and accountancy. Fitness to practice refers to a student's conduct and wellbeing both on and off college premises and in their private lives and is judged against the requirements of the professional body in question. The expected standard of behaviour relates to their chosen profession and may be higher than that expected from students on other courses. Placement providers and staff dealing with professional courses need to be aware of this policy. The college has a duty to ensure students on a professional course are fit to practice in that profession, or will be when they complete the course.

Examples

- Those examples included in the list above
- Conduct contrary to the standards put in place by the relevant professional body
- Failure to follow work placement policies, rules and regulations
- Criminal convictions, which may include those that are 'spent'
- Unprofessional behaviour including general attitude
- Any illegal behaviour including contravention of the Equalities and Health and Safety Acts
- Behaviour or issue that may bring the college into disrepute

If this policy is being considered to address an incident or issue, the College will proceed in a considered, sensitive and case by case basis in conjunction with appropriate professionals. It may be appropriate to implement other policies and associated procedures.

1. If Fitness to Study is compromised because of
  - a. Behavioural issues alone, then staff should refer to the college Disciplinary and Behaviour Policy and associated procedures.
  - b. Health, disability and wellbeing concerns alone, students should be referred to the College Support Services who will encourage the student to seek external support, assessment or treatment if appropriate.
2. If Fitness to Practice is compromised because of
  - a. Behavioural issues, then staff should refer to the college Disciplinary and Behaviour Policy and Procedures in the first instance as to how to proceed
  - b. Health, disability and wellbeing concerns, staff should follow the procedures in the relevant section of the Disciplinary and Behaviour Policy
3. In addition, consideration should be given to
  - a. Ensuring that the student is capable of meaningfully engaging in the procedures associated with the area of concern and is supported or represented during the process as appropriate
  - b. Risk and/or Medical Assessment are carried out by nominated or designated persons as required by professional organisations
  - c. Ensuring the appropriate liaison is in place with relevant third parties and regulatory bodies.
  - d. Data protection regulations
  - e. The conduct of formal panel hearings when the concern is sufficiently serious and the matter has not been resolved by the procedures listed above

### 3. Responsibilities

**Students** are responsible for

- familiarising themselves with the requirements for professional conduct in their chosen profession
- ensuring that the college is aware of any change in their circumstances that might impact on their fitness to study or practice
- cooperate with the college when discussing potential support or adaptations that might help them achieve their qualification and entry into their chosen profession.

**Staff and Placement Providers** are responsible for

- Familiarising themselves with this policy, any relevant professional regulations and communicating this with students when recruiting students
- Ensuring that associated procedures are followed when issues arise or are reported in a timely and professional manner. This includes making appropriate arrangements for a student to continue their studies should there be any unavoidable delays
- Keeping copies of correspondence and entries on Promonitor, securely and in a confidential manner with cognisance of data protection policies and ensuring relevant third parties are notified of any relevant outcomes
- Ensuring that students are aware that they are entitled to be accompanied to any meetings/hearing by a friend, student representative or a relative but not by a person active in legal or other professional work, unless agreed by the college, having been given notice before the day of the meeting

## 4. Guidance for the conduct of Formal/Panel meetings associated with this policy

The college acknowledges that it is important to conduct any formal meetings according to guidance associated with relevant policies. This is especially important when outcomes could have the added impact of denying students undertaking professional studies and entry into their chosen career.

**NB:** Prior to any formal meeting with a student who is identified as High Needs, with or without an Education, Health and Care Plan (EHCP), the college's e learning support team should be alerted, in order to ensure the student is supported through the process.

Where possible, the learning support team will work with staff to review the EHCP to reflect any issues and can inform the designated local authority of the student's changing needs and request more support.

A student cannot be excluded without having had an emergency review of the EHCP to explore all options.

### Formal Meetings/Panel Hearing

1. A professional member of staff from the student's area will arrange a notification to be sent to the student, giving reasonable notice, stating the concern and the student's entitlement to be accompanied. It should enclose copies of any evidence and documentation that is to be referred to at the meeting. The invitation should indicate which staff will be at the meeting e.g. Head of Student Welfare (for welfare issues) and/or manager from another department (for conduct issues). In a Panel Hearing, witnesses or representatives of a profession or workplace may be invited and the student concerned should be informed if this is to happen
2. Every effort is made to secure appropriate gender and ethnic representation on a Panel and the chair will be sensitive to any equality issues in so far as they affect the conduct of the meeting
3. It is at the discretion of the Head of Department whether to cancel, reschedule or hold the meeting without the student if the student fails to attend or indicates that they will not attend
4. At the meeting the Head of Department will explain the process, potential outcomes and rights of appeal to the student
5. The chair will invite a professional member of staff from the area and any witnesses, to present the case and the student is then entitled to respond
6. A period of questioning and discussion may follow, with the aim of finding an amicable solution where possible. Outcomes might include:
  - a. From a Formal Meeting, reparation, referral to internal or external support/assessment, action plans including formal monitoring or adjustments and written warnings
  - b. From a Panel Meeting (held for the most serious concerns), Final Written Warnings, forced study breaks or exclusion from the programme or College
7. The student is then asked to leave the meeting and the Head of Department reviews the findings and decides the outcomes.
8. Where Fitness to Practice is an issue, the Head of Department should be proportionate in their response and need to consider the interests of the public including patients or clients, as well as the student in reaching the appropriate decision
9. The Head of Department should ensure that the student is notified of the decision in writing within 5 working days

### 10. Appeals

There is a right of appeal to a Formal Panel Hearing. If a student is unhappy with the outcome of a Formal meeting they may be referred to a full Panel Hearing. An Appeal is allowed if there is additional evidence found that was not available to the original meeting and/or if there are reasons to suggest that the conduct of the meeting was judged unfair or its outcomes overly punitive.

1. The student appeals in writing to the Principal, stating the reasons for the Appeal within 5 days of receipt of their outcome letter

2. The Principal may request that the original documentation is reviewed, and decides whether the original decision is upheld, overturned or an Appeal Panel is convened. The student is notified of the decision within 10 working days
3. If an Appeal Panel is convened, its date is notified to the student within 10 working days. The Panel chaired by a member of Strategic Leadership Team, will comprise staff who were not present previously, except for the Chair of the Formal Panel who will be present as a witness to explain why the original panel came to its decision. The student will present their reasons for appeal and may be questioned further by members of the panel.
4. At the close of discussions, the student will be asked to leave the meeting, the panel will discuss the outcome and inform the student with 5 working days of its decision.
5. If the Appeal is upheld, no sanction or a lesser sanction than was originally recommended may be decided
6. If the Appeal is dismissed, the original outcome will stand. No greater sanction than originally recommended will be allowed. A student that has unsuccessfully appealed will be informed of the Complaints Procedure of the Funding Body

### **Complaint to the Funding Body**

When the student has exhausted the college Appeals Procedures, there is a right to make a complaint to the appropriate Funding Body. A complaint to the Funding Body is not a further stage of appeal. The Funding Body does not hear evidence or seek to substitute its own decision for that of the College. In considering a complaint, the funding Body will undertake an enquiry to consider whether or not the College has followed its own procedures.

### **Office of the Independent Adjudicator (OIA)**

When concluding the appeal stage, a higher education student should be informed in the outcome letter, of their right to submit a complaint to the OIA for review. The time limit for doing so is 12 months from the date of the appeal outcome letter. Students should be advised to bring their complaint to the OIA promptly.

## **5. Associated Policies**

The following policies are associated with Fitness to study/practice

- Admissions Policy
- Student Disciplinary and Behaviour Policy and its associated procedures
- Assessment Policy
- Safeguarding Policy
- Equality, Diversity and Inclusion Policy
- Health and Safety Policy

## **6. Management and evaluation**

The College will collect data and information regarding concerns associated with Fitness to study/practice and will report on these on a regular basis to the Senior Leadership Team and on an annual basis to the Governing Body.

Senior Manager Responsible: Assistant Director Further and Higher Education

Review Frequency: Annually

Date approved: September 2020

Date for review: September 2021