

Fitness to Study / Practice Policy

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1. Introduction

1.1 City of Bristol College is wholeheartedly committed to supporting students and recognises the importance of their health and wellbeing in relation to their academic progress and College experience. There are a variety of support opportunities within City of Bristol College and external organisation which students can use to help improve their wellbeing and health. Students (and their parents/carers for those under 18 and /or who may have additional needs) are expected to take a proactive part in the process, by managing their own health and wellbeing, as well as updating the relevant college staff on any changes. Students should engage with any support offered, to fulfil their academic potential. As a general overview, if the student displays signs of 'an inability to' or is 'unable to' change their behaviour or conduct, the most appropriate course of action is likely to be the Fitness to Study Policy.

2. Purpose of the Policy

2.1 This Policy applies to any student admitted or enrolled by City of Bristol College.

2.2 There may be instances where the health and/or wellbeing of a student deteriorate to a point where it raises questions about their fitness and suitability to continue with their studies and/or practice.

2.3 This Policy will be used to support staff in all areas of the City of Bristol College to deal with instances where concerns have been expressed over a student's health, wellbeing, or behaviour, which have led to:

- a) concerns from staff about a student's fitness to study or practice at City of Bristol College and/or ability to meet the learning outcomes of the course, within the boundaries of any reasonable adjustments which have been made.
- b) A declaration from a student about a newly identified health concern (physical or mental) that raises a concern that they can meet the learning outcomes of the course, within the boundaries of any reasonable adjustments which have been made.
- c) a negative impact on the health, safety, wellbeing and/or learning of the student and/or others with whom they have contact.
- d) Concerns raised by a third party (e.g. friend, other student, tutor etc.)
- e) The student advises a member of the College that they have a problem or have provided information which indicates that there is a need to address their fitness to study.
- f) Academic performance is unsatisfactory and is thought to be the result of an underlying physical or mental health problem.

2.4 This policy will apply where students present with difficulties due to their physical or mental health or wellbeing. However, the City of Bristol College reserves the right at any stage to invoke either:

- a) Discussions on whether a student is fit to practice where there are concerns about a student's suitability to progress with a professional qualification e.g. to work with children;
- b) or the Positive Attendance, Behaviour and Commitment Policy where a student's behaviour poses a risk of harm to either themselves or others, or where the student does not engage positively with supportive interventions.

2.5 City of Bristol College will consider cases of extenuating circumstances, where a student suffers some unforeseen circumstances that adversely affects their ability to complete a half term period. If extenuating circumstances are on-going and result in further claims, City of Bristol College will consider whether other action is appropriate including agreeing a voluntary break in learning or invoking this policy (where the student does not recognise that they are not making satisfactory progress).

2.6 Terms and Conditions of Extenuating Circumstances are outline in the Assessment Policy, or if in the case of the qualification being validated by a Higher Education Institute will be outlines in the partnership agreements with that HEI and will be followed.

2.7 The College's duty of care applies to the wider College community as much as it does to the individual student, therefore the Fitness to Study Policy will also apply if the student poses a risk of significant impact on the health, safety and wellbeing of other people.

2.8 A student's fitness to study may be questioned if health problems are disrupting their studies or the studies of others or they are placing unreasonable demands on staff or other students. The College is obliged to take action if students present a risk to themselves or others.

2.9 Fitness to study is a term which relates to the entire student experience and not just the ability to engage with studies. It encompasses, for example, behaviour, attitude, interaction with other students. This policy is not designed to address academic performance issues unless these result from a fitness to study difficulty.

3. Responsibilities

3.1 **Staff:** It is the responsibility of all staff to promote the appropriate conduct of students while they are on the College premises. This responsibility includes the following:

- a) During teaching and learning sessions, the tutor/instructor/designated person in charge has immediate authority for supporting student health, behaviour/attitude.
- b) All staff may engage with students to support the College Code of Conduct in the common areas of the College including corridors, open access areas and areas serving food.
- c) Any member of staff observing a student behaving in a manner which could breach the College Code of Conduct has the authority to engage with the student and indicate that their behaviour is inappropriate.
- d) All members of staff should ensure that students are made aware and know where to find the College Code of Conduct, relevant policies, procedures and regulations during the student induction period.
- e) All members of staff have a responsibility to report concerns regarding the behaviours of a student if there is a belief that their behaviours are impacting on the health, safety and wellbeing of themselves or the wider College community or impacting their ability to study.

3.2 **Students:** It is the responsibility of all students to conduct themselves appropriately and in a way conducive to their own learning and that of their peers. This responsibility includes the following:

- a) It is the responsibility of every individual student to familiarise themselves with the Code of Conduct as well as relevant policies, procedures and regulations and to comply with them.
- b) It is the responsibility of all students to seek support from either the College or externally where they are unable to maintain a healthy lifestyle that enables them to remain fit to study.

4. Potential Impact on Equality and Diversity

4.1 The College must ensure that all possible barriers are removed and all reasonable adjustments have been made to address the student's issues during each stage of this process to ensure Equal Opportunity has been given according to the Equality, Diversity and Inclusion Policy.

5. Processes and Procedures (Fitness to Study or Practice)

5.1 Like the Positive ABC Policy, this policy will use three stages of intervention and review. This will be based on the level of support needed by the student and/or the seriousness of risk posed by the health and/or behaviour of a student. Depending on the concern raised, it may be appropriate to move straight to a higher level. Students are encouraged to engage with the City of Bristol College and access all support available to them. If they choose not to do so, then this policy may continue without their involvement.

5.2 The stages are:

- a) Stage 1 – Initial Concern
- b) Stage 2 – Continuing Concerns
- c) Stage 3 – Significant or High-Level Concerns

5.3 Stage 1- Initial Concern

Issued by: Tutor, Course Tutor, Programme Manager, Personal Development Coach, or equivalent
Copies to: Student, Course Tutor, Programme Manager, ALS, Personal Development Coach -
Completed electronically in ProMonitor.
As relevant: Parent / Guardian / external agency (via letter).

5.3.1 When a concern about a student's health, safety or wellbeing is raised, a member of staff from the area with primary responsibility and/or knowledge of the student (Personal Development Coach, Programme Manager, Course Tutor, Head of Department, LA or Transition and Progression Mentors) should arrange a meeting and explain to the student that concerns about their fitness to study have emerged.

5.3.2 This meeting will be held with at least one other member of staff, who will make a record of the meeting. The student should be advised of the precise nature of the behaviour that is causing concern. At this stage the student should be encouraged to confidentially disclose any health condition that may be

relevant to the situation (note that it is possible that they may not have realised the impact of their actions). The student is not obliged to disclose personal or private information however, the more information the College has, the more help, assistance and support may be provided. If it is felt necessary, the College can request, with the student's or parent's written permission (if the student is under 18), an assessment from an appropriate health professional.

5.3.3 The lead member of staff should also seek advice and guidance from the Head of Safeguarding and /or the Head of Department. Even at this early stage it may be useful to invite in parents/carers of students aged under 18 or those under 25 who have an EHCP.

5.3.4 A brief action plan should be drawn up, with actions to support remediation of the poor conduct, such as that:

- a) The student makes contact with the College Safeguarding team to arrange support;
- b) The student is supported to make contact with a relevant external support service to arrange support;
- c) The student makes contact with their GP;
- d) A plan is drawn up by the College to support the prompt identification of the symptoms or signs associated with the health condition, and what subsequent steps should be taken;
- e) A reasonable adjustment is implemented by the College to support the student to successfully manage their health condition.

5.3.5 It is hoped that in most cases the issue will be resolved at this level with the student engaging positively with the action plan, co-operating fully with the procedure and taking advantage of the support available.

5.3.6 A review period should be agreed to determine if the actions taken have addressed all concerns fully or if further support is required. If the student has positively engaged with the concerns and taken steps to remediate their underlying disability or ill-health then no further escalation is required.

5.3.7 However, if Stage 1 has been completed and student's conduct subsequently shows signs of deterioration, or if further concerns have been raised during the Stage 1 review period, the case should proceed to the next stage of the procedure. All discussions including advice and any undertakings made by the College should be documented, retained in a secure location and a copy issued to the student within 5 working days of the meeting. The student should also be informed that continuation of the same behaviour or any additional cause for concern could result in their fitness to study being more seriously considered by moving to stage 2 of this procedure.

6 Stage 2 - Continuing Concern

Issued by: Programme Manager or Head of Department
Copies to: Student, Tutor, Course Tutor, Programme Manager, ALS, Personal Development Coach - Completed electronically in ProMonitor.
As relevant: Parent / Guardian / external agency (via letter).
Appeal to: Relevant Director or Deputy Principal

6.1 Where continuing or serious concerns about an individual student's health, safety or wellbeing are raised the curriculum staff should raise a concern to the Programme manager and arrange a joint meeting with the student.

6.2 The student should be provided with at least 48 hours' advance notice of the meeting and given a copy of the written statement. For convenience to the student, and where practically possible, the meeting

should be arranged for when they would normally be scheduled to attend College. Parents/ carers / guardians for students under 25 with an EHCP should be notified of the meeting and invited to attend.

6.3 Stage 2 Continuing concern panel meeting will be chaired by either the Programme Manager and/or Head of Department that the student sits under. This meeting will be held with at least one other member of staff, who will make a record of the meeting. The student should be advised of the precise nature of the behaviour that is causing concern. At this stage the student should be encouraged to confidentially disclose any health condition that may be relevant to the situation (note that it is possible that they may not have realised the impact of their actions). The student is not obliged to disclose personal or private information however, the more information the College has, the more help, assistance and support may be provided. If it is felt necessary, the College can request, with the student's or parent's written permission (if the student is under 18), an assessment from an appropriate health professional.

6.4 Staff who have been supporting the student under this policy may also be invited to attend the meeting to support the student and discuss progress with strategies implemented to date.

6.5 A student may be taken straight to a stage 2 concern if there is evidence to suggest the severity of this requires this level of intervention

6.6 The student may be accompanied at this meeting by a friend, family member or other representative acting in a supportive capacity.

6.7 If the student is on a professionally regulated course e.g. childcare, counselling, there will be consideration of any implications for professional practice.

6.8 If the student fails to attend the meeting without good cause, it may be decided to reschedule or continue with the meeting in their absence. If they do not engage with the process then the meeting can go ahead in their absence.

6.9 The purpose of the meeting is to ensure that:

- a) The student is made fully aware of the nature of the concerns that have been raised
- b) The students response can be heard and taken into account, including any new evidence to show positive engagement with the stage 1 action plan, or that their circumstances have changed
- c) The available evidence is considered fully – including any medical evidence presented by the student in stage 1
- d) The student is made fully aware of the possible outcomes if the issues remain. An Action Plan will be drawn up, setting out any reasonable support measures and any conditions that the student is required to adhere to, which may relate to their health and wellbeing, academic studies and/or behaviour. This will be shared with the student and parents/carers if the student is under 18 or is under 25 with and EHCP, within 5 working days of the meeting. The action plan will include review dates and will be made clear to the student that in any event that the action plan cannot be adhered to then the it may invoke stage 3 of the process.

6.10 **Decision Outcome - Fit to study, providing that certain conditions are met**

- a) A Stage 2 action plan which will be jointly monitored by the two members of staff involved in the meeting.
- b) Referral to a pastoral, academic or therapeutic support supplied by the College.

- c) Referral to a support service provided by an external organisation.

6.11.1 Decision Outcome - Fit to study (without conditions)

- a) No further action is required

7 Stage 3 - Significant or Persistent Concern

Issued by: Programme Manager or Head of Department
Copies to: Student, Course Tutor, Programme Manager, ALS, Personal Development Coach -
Completed electronically in ProMonitor.
As relevant: Parent / Guardian / external agency (via letter).
Appeal to: Deputy Principal

7.1 Stage 3 Significant or Persistent concern will be used in the event of a serious concern over a student's health, safety, or wellbeing. It may be invoked through escalation from stage 2 or it may be as a result of an incident or declaration of a serious nature in which an individual student's actions or behaviour that are putting the health, safety, wellbeing or academic progress of themselves or other members of City of Bristol College community at significant risk. Consideration should also be given to suspending the student pending the outcome of the stage 3 case conference (See Positive Attendance, Behaviour and Commitment to Study Policy, for suspension guidance).

7.2 The Head of Department where the student is studying should contact the Director of Curriculum and the Head of Safeguarding, together they will convene a Fitness to Study/Practice Panel.

7.3 Fitness to Study/Practice Panel guidance, this list is not exhaustive:

- Director of Curriculum or Deputy Principal (Chair)
- Head of Department in the department where the student is studying
- Head of Safeguarding or a member of the safeguarding team (in the event the student is in safeguarding intervention)
- Head of Additional Learning Support (in the event of the student being a high-needs student)
- Higher Education Quality and Partnerships Manager (if the concern is about an HE student)

- a. The student will be invited to attend the Fitness to Study/Practice Panel and will be given at least 5 working days' notice. The students will be provided with all documentation that will be considered and may have the opportunity to submit any documents they wish for the panel to consider. Parents/ carers should be notified of the meeting and invited to attend if the student is under 18 or under 25 and has an EHCP.
- b. An independent note taker will also be present to take detailed notes of the discussion but will not take part in the case conference discussion.
- c. In the event of a HE student, the Higher Education Quality and Partnerships Manager will notify and invite any academic partnership representative of a validating or franchise HEI to attend.
- d. The student may be accompanied by a friend, family member or other representative acting in a supportive capacity.

- e. If the student fails to attend the case conference it will be rescheduled. A second invite will be issued with explicit instructions that further failure to attend without good reason or if the student refuses to engage will result in the case conference taking place in their absence.
- f. It is standard practice for the student to attend the panel but adjustment can be made to accommodate any situation where a student is unfit to attend, for example having submitting a written representation or having a representative attend on their behalf. The representative can be a person of the students choosing such as a friend, family member and may even be a member of staff who has supported the student.
- g. The purpose of the case conference is to ensure that:
 - The student is made fully aware of the nature of the concerns that have been raised
 - The available evidence is considered fully – including any medical evidence presented by the student in Stage 1 or Stage 2
 - The student’s response can be heard and taken into account, including any new evidence to show positive engagement with the Stage 2 actin plan, or that their circumstances have changed.
 - The student is made fully aware of the possible outcomes if the panel find that they are unfit to study.
- h. The panel will consider the evidence. If a decision on an outcome cannot be reached at the meeting, they may take more time to consider the evidence or to seek further advice. The panel may decide that the student is:
 - Unfit to study
 - Fit to study, providing that certain conditions are met, or applied via changes to the programme delivery within reason
 - Fit to study (with existing condition as applied in the stage 2 process if relevant)
 - Fit to study (without conditions)

Decision	Outcome/s
Unfit to study	<ul style="list-style-type: none"> • Permanent withdrawal • Suspension of Studies – minimum period decided by panel with clearly defined review points • Recorded as a Stage 3 Positive ABC outcome
Fit to study, providing certain conditions are met	<ul style="list-style-type: none"> • Stage 3 Action Plan, monitored by 2 designated College Managers • Alternative mode of attendance if appropriate (including remote activity and engagement online) • Further support from internal or external agency or organisation

Fit to study (with existing condition as applied in the stage 2 process if relevant)	<ul style="list-style-type: none"> Existing conditions have been reviewed and deemed to be sufficient and remain in place.
Fit to study (without conditions)	<ul style="list-style-type: none"> No further action is required

- i. The decision should be communicated to the student, in writing, within 5 days of the meeting. If appropriate the letter should also clearly state the consequences of non-compliance with the decision or breaches to the agreed actions.
- j. In the case of an suspension of Studies, withdrawal of alternative mode of attendance the students electronic file must be updated and site access rights amended accordingly.

8 Medical Information

8.11 Students should be encouraged to provide medical information where possible, as this can enable appropriate action plans to be created to remediate an underlying health condition and support future positive conduct. At each Stage a student may wish to use medical information in support of the identified issue. Medical information is confidential and should be protected, however it should be made clear to the student that, in order to resolve their situation, the information required to provide reasonable adjustments will need to be shared with certain members of staff. The student may also refuse access to medical records.

8.12 This could include:

- a) the nature and extent of any medical condition, which the student may have;
- b) the student’s prognosis;
- c) the extent to which it may affect fitness to study and manage the demands of student life;
- d) any impact it may have or risk it may pose to others;
- e) whether any additional steps should be taken by the College, in light of the medical condition to enable the student to study more effectively;
- f) whether the student will be receiving any ongoing medical treatment or support (This information should be used in line with all other information available to the College throughout this process).

9 Return to Study

9.1 Where a suspension of studies has been decided on by the Stage 3 panel and the minimum period of suspension has elapsed, the student may request permission to return to the course. This should be considered by the original panel, but will always be dependent on externally-verified evidence confirming the student’s fitness to study. The College must satisfy itself that the evidence is sufficient,

that the student is fit to study and able to comply with any conditions imposed and that the College is able to provide any required support for the student's return.

- 9.2 A return to study plan should be agreed and documented following discussion with the student. Regular review meetings should be held to support the student and monitor adherence to the plan. Fitness to study is an on-going responsibility of the College and the student throughout the remaining period of study. The review meetings may continue for part or all of the student's remaining time at College

10 Right of Appeal

- 10.1 An appeal can be made where a decision has resulted in an exclusion. Any appeal against a decision of this nature must state the full grounds of appeal and must be submitted in writing within ten working days of receiving confirmation of a decision.
- 10.2 Any student who is not satisfied with a decision made in accordance with the Fitness to Study Policy at Stage 2 or 3 should address their appeal, in writing to the Deputy Principal. The decision of the Deputy Principal, or their delegate, will be final. Appeals should be addressed to the Deputy Principal and sent by email to Exclusion.Appeals@cityofbristol.ac.uk
- 10.3 Appeals under the above will only be considered on the following grounds:
- (a) that there is new evidence that was not earlier considered and could have been expected to have materially affected the decision
 - (b) that the original decision, interview or hearing was not conducted fairly
 - (c) that the findings were unreasonable in the light of the findings of fact
 - (d) that the outcome of the stage 3 was unreasonable or too severe in the circumstances
- 10.4 The member of staff designated to hear the appeal must first consider whether there are enough grounds for appeal. If the member of staff is satisfied that there are not enough grounds for appeal, this decision will be communicated in writing to the student stating the reasons for the denial. The student will be advised that this decision is final.
- 10.5 There is no entitlement to a re-hearing of the case and any re-hearing would only be allowed in exceptional cases. Witnesses will not normally be called to an appeal hearing and only in support of new evidence that has become known since the original stage.
- 10.6 The appeal decision will usually be made within fifteen working days of receiving the notice of appeal.
- 10.7 On considering the appeal, the Deputy Principal may decide to:
- a) Reject the appeal,
 - b) Approve the appeal
 - c) Request additional information

Decision	Outcome/s
Reject the appeal	The original decision is upheld
Approve the appeal	<ul style="list-style-type: none"> • The case is referred back to an earlier stage of the process for reconsideration – to be used where the process has not been followed correctly, or new evidence is available that materially affects the decision at an earlier stage • The case is referred to a relevant or suitably qualified person for further advice or consideration • Apply an alternative outcome

11 Confidentiality and Disclosure

- 11.1 There may be occasions when City of Bristol College judges that it would be in the best interests of the student to disclose sensitive information. This may include:
- a) to safeguarding services
 - b) to the student’s designated emergency contact or to an external agency such as the Community Mental Health Team
 - c) to parents and guardians where the student is still considered to be a child under the law (under 18 years of age) or where there may be capacity issues for students.
- 11.2 In these circumstances, City of Bristol College will always endeavour to obtain the student’s informed consent wherever possible.
- 11.3 If the student chooses not to provide consent, the implications of non-disclosure should be made clear. However, there may be rare occasions where the student’s consent is withheld or it is impracticable to obtain it, when confidentiality may be broken for examples.
- a) If the student is putting their life at risk.
 - b) If the student is putting the life of someone else at risk.
 - c) If the student’s mental health has deteriorated to a serious level such that they are unable to maintain day to day living routines and relationships.
 - d) If the student is at risk of serious exploitation or abuse.
 - e) If the student's behaviour is severely impacting or adversely affecting the rights of others.
 - f) If any member of City of Bristol College staff are being placed in a position in which their professional integrity is compromised.
- 11.4 Staff should consult with the Head of Safeguarding and/or the Director of Curriculum where there is a need to disclose information without consent to gain approval to proceed.

12 Emergency Situations

12.1 In cases of emergency, staff should act according to Section 3. No member of College staff should put themselves at personal risk.

Useful numbers are:

- 999 Emergency contact

- Ext: 5333 Critical Response
- Ext: 5733 Safeguarding
- Ext: 5151 BFM Helpdesk
- Ext 5239 Principals Office
- 07813 366380 Head of Safeguarding

Version	
Approved by:	C&Q Committee
Date of approval:	June 2024 (with edits to staff titles and college branding Sept 2024)
Date for Review:	June 2027
Lead Officer:	Director of Further and Higher Education
Senior Manager responsible:	Deputy Principal

Appendix - Recording Intervention on ProMonitor for Fitness to Study/Practice

Recording Intervention Stage 1

Type: Comment

Fitness to Study / Practice Concern 1

The Comment should identify the reason for the intervention and then set out what interventions are being applied to support the student and avoid further escalation.

Example: Student has been struggling with anxiety and has been finding it difficult to attend or stay engaged when they are in. We have discussed any previous diagnosis or medical recognition of this, however this hasn't been made. I have advised them to seek medical input and have explained I will speak with their parents to support them being able to get a doctor's appointment. In the meantime, we have discussed some control measures to help which have included the use of a card system in the class that they can use when feeling high levels of anxiety without having to publicly announce their need for support. We also addressed how they could attend and arrive at a slightly adjusted time on X days as this is when the bus is always busy and they struggle to be able to get on it. We have agreed that they can then stay a bit longer at the end to have ample time. We will measure this and review any feedback they get from the doctors and discuss with parents any suggested measures, monitor this over the next 4 weeks and assess if these measures are helping.

Recording Concern Stage 2

Type: Meeting

Stage 2 Meeting Fitness to Study/Practice meeting

The attendance of all parties should be record in the meeting as well as the correct time and date.

The meeting will have 4 free text sections to record items of discussion as an audit record and to be reviewed in any case of appeal.

Reason for Concern – this should outline in short, a summary of why the concern meeting has been called. It should reference any prior interventions/ intervention support (stage 1) if relevant and/or any references to the student code of conduct to ensure that this is explicitly linked.

Issues / Concerns identified – this should be a summary of the main areas of concern or any issues that have been impacting wider Attendance/Behaviour/Commitment that should be taken into consideration.

Agreed support / actions to be implemented – all stages of intervention require some support and intervention to guide students to make positive changes. This section will record summary of the reasonable supportive measures or actions to be taken by the curriculum in aiding the student to make these positive changes.

Additional notes – This section is to record any other points of discussion that the hearing office deems to be relevant.

The outcome stages of a Stage 2 as per the policy (section 6.10). The outcome may not be concluded in the actual meeting but must be recorded once decided.

The meeting will be visible in ProPortal (Student view) and accessible to parents/carers through parental access

The Outcome from this meeting must also be communicated in a letter using the relevant letter template in Appendix ii, and sent to the student along with their parent/carer if under 18 or 19-25 with and EHCP.

Recording Concern Stage 3

Type: Meeting
Stage 3 Meeting Fitness to Study/Practice meeting

The attendance of all parties should be recorded in the meeting as well as the correct time and date.

The meeting will have 4 free text sections to record items of discussion as an audit record and to be reviewed in any case of appeal.

Reason for meeting – this should outline in short, a summary of why the disciplinary meeting has been called. It should reference any prior interventions/ intervention support (stage 1) if relevant and/or any references to the student code of conduct to ensure that this is explicitly linked.

Issues / Concerns identified – this should be a summary of the main areas of concern or any issues that have been impacting wider Attendance/Behaviour/Commitment that should be taken into consideration.

Agreed support / actions to be implemented – all stages of intervention require some support and intervention to guide students to make positive changes. This section will record summary of the reasonable supportive measures or actions to be taken by the curriculum in aiding the student to make these positive changes.

Additional notes – This section is to record any other points of discussion that the hearing office deems to be relevant.

The outcome stages of a Stage 3 as per the policy (section 7.3). The outcome may not be concluded in the actual meeting but must be recorded once decided.

The meeting will be visible in ProPortal (Student view) and accessible to parents/carers through parental access

The Outcome from this meeting must also be communicated in a letter using the relevant letter template in Appendix iii, and sent to the student along with their parent/carer if under 18 or 19-25 with and EHCP.