

# GRŴP LLANDRILLO MENAI

## HIGHER EDUCATION FITNESS TO STUDY POLICY

**Version: 6**

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## **Fitness to Study Policy**

### **1. Policy Statement**

- 1.1 Grŵp Llandrillo Menai (GLLM) is committed to providing a safe learning environment and recognises the importance of students' health and wellbeing in relation to his / her academic progress and their wider student experience.
- 1.2 Fitness to Study relates to an individual's capacity to participate fully and satisfactorily as a student. The college is committed to supporting student wellbeing and recognises that a positive approach to the management of physical and mental health is important to student learning, academic achievement and progression.
- 1.3 The Fitness to Study policy and guidance describes the support available where a student's health and/or wellbeing deteriorates to the point where they may not be able to engage with their studies, including where they may be at risk of harm to themselves and/or others or as a result of unreasonable demands being placed upon staff or students.
- 1.4 The policy is designed to ensure a consistent and appropriately sensitive approach to managing fitness to study and is applicable to applicants and students in relation to all Grŵp Llandrillo Menai programmes of study.

### **2. Purpose of the Policy**

- 2.1 The Fitness to Study policy and procedure applies to applicants and students who are causing significant concern and/or presenting a risk of harm to themselves or others.
- 2.2 The policy and procedures encourage early intervention and active collaboration between all staff managing situations where there are concerns regarding the wellbeing of a student or applicant. It provides a co-ordinated response by academic and support staff in circumstances where it is not considered appropriate to apply other internal procedures such as the Learner Code of Conduct Policy or the HE Extenuating Circumstances Policy.
- 2.3 In exercising its duty of care towards learners and staff, Grŵp Llandrillo Menai aims to provide a non-judgemental, consistent and sensitive approach to the management of situations which may require different levels of response according to the perceived level of concern.
- 2.4 This policy does not relate to fitness to practise as required and specified on certain professional programmes.
- 2.5 A student's studies may be suspended by Grŵp Llandrillo Menai or a programme offer to an applicant may be postponed, if the college determines that it is appropriate to do so, having followed the Fitness to Study procedures.
- 2.6 If a concern regarding Fitness to Study arises whilst a student is on placement, work experience, an educational visit or exchange programme, Grŵp Llandrillo Menai may consider alternative arrangements and make suitable adjustments and will liaise as appropriate with third parties concerned.
- 2.7 A student's fitness to study may be considered in addition to other GLLM college procedures or procedures of the HE validating university that may have been invoked, for example disciplinary procedures or extenuating circumstances.

### **3. Implementation**

- 3.1 This policy will be implemented through the HE Fitness to Study Procedure.
- 3.2 The Fitness to Study procedure consists of three stages. However, depending on the individual circumstances the procedure may be invoked at any of the three stages with or without the engagement of the student.

### **4. Monitoring and Impact Measurement**

- 4.1 The Fitness to Study Policy will be monitored and reviewed annually in accordance with Grŵp Llandrillo Menai's HE Policies approval process and those of the awarding university.

### **5. Publication of Policy**

- 5.1 This policy will be made publicly available bilingually on the Grŵp website, in programme handbooks/VLE and will be available to all members of staff via the Grŵp Portal.

**Policy approved by:** Tîm Polisi  
Policy Approval Date: August 2016  
Procedure Review Date: May 2020

## HE Fitness to Study Procedure

### Fitness to Study Procedure

#### 6. Context

- 6.1 Concerns about the health or wellbeing of a student can be raised by staff, students, external agencies and/or by a third party.
- 6.2 The Fitness to Study Policy and Procedure is intended for use in cases in which the behaviour, disruption or risk presented by a student and the impact on students and or staff, is perceived to be of serious or potentially serious nature.
- 6.3 A student raising a concern will not be expected to manage such situations arising, and should always approach a member of staff. Learner Services, HE Officer and or the Grŵp Quality Assurance Manager can also provide guidance.
- 6.4 Staff are expected to refer wherever they feel confident to do so within the parameters of their professional role and should consult with Learner Services if they feel unable to deal with a situation, or need advice or guidance on how best to proceed with a student.
- 6.5 Students enrolled on courses where a practical professional placement is required (including health, social work, education and police studies) have additional responsibilities placed upon them regarding not only their conduct but also their professional suitability, as outlined in relevant regulatory and/or professional body codes of practice. These should be fully explored before using the Fitness to Study procedure.
- 6.6 This procedure should not be used in crisis or emergency situations, for example where a student is threatening to harm themselves, or has harmed themselves, or has been injured. Most often in this case, the emergency services should be called in liaison with either the SHE Unit or Learner Services.

#### 7. When to Use the Fitness to Study Procedure

- 7.1 A student's fitness to study may be a cause of concern as a result of a wide range of circumstances affecting their health and wellbeing including, but not restricted, to the following:
  - significant non-attendance or engagement
  - a sudden deterioration in academic performance or motivation
  - changes in appearance or obvious signs of ill health (e.g. dramatic weight loss or gain, ongoing lack of personal hygiene and care)
  - mood swings or unusual behaviour (e.g. aggressive, withdrawn, obsessive, overly effusive or elated, distressed, irritable)
  - inappropriate behaviour (e.g. inappropriate touching, invading personal space, excessive, unexpected and prolonged laughter or chattering, uncharacteristically bad language such as swearing)
  - withdrawal from social, cultural or sporting activities once considered important
  - lethargy or signs of lack of sleep, or unusual disorientation
  - obvious signs of substance/ alcohol misuse

- information about specific episodes (e.g. self-harm/suicidal thoughts or attempts)
- changes in behaviour or health that make the student's use of equipment etc., dangerous to themselves and/or to others.

7.2 The procedure must not be used to suspend the studies of students under the following categories:

- Approved and reasonable short absences supported by medical evidence (e.g. short-term illness). Such cases should be treated as authorised absences on the assumption that students can continue with background work, can access electronic resources and that appropriate extensions to coursework can be approved.
- Situations that can be addressed through Grŵp Llandrillo Menai's procedures for dealing with extenuating circumstances.
- Disciplinary cases.
- Unfair practice cases. Such cases should be considered under the Grŵp Llandrillo Menai Unfair Practice Procedure.
- Voluntary interruption of study on health and other grounds. Such cases should be considered under the Grŵp Llandrillo Menai Suspended Studies Process.
- Students who are in debt. Such cases should be considered under the procedures for dealing with debtors.
- Academic progress which is considered by Examination Boards.
- Students whose studies may be suspended or terminated by specific procedures approved as part of the approval/validation process for their course, including conditions imposed by professional bodies or sponsors.

## **8. Structure of the Fitness to Study Procedure**

8.1 The purpose of this procedure is to support students and staff in managing situations and incidents that cause significant concern. The procedure has three stages, based on the perceived level of risk to the health, safety and mental wellbeing of the student or others and on the response of a student to any intervention. The cause for concern can result in:

- invoking the procedure at any of the 3 stages
- staying at a stage or
- progressing through the stages, should the cause for concern not be remedied by recommended and agreed actions.

- 8.2 When assessing the perceived level of risk to a student's health and wellbeing, communication is paramount. Early intervention in issues, and recommendations for support, can avoid crisis situations from occurring. Should staff feel that they are not confident about dealing with a situation or feel unsure about whether to invoke this procedure, they are encouraged to seek advice from Learner Services, Grŵp Quality Assurance Manager or HE Officer.
- 8.3 To ensure appropriate levels of confidentiality, this advice should initially be sought without disclosing details of the student concerned, e.g. on an anonymous basis.
- 8.4 Students should be involved in the management of their own wellbeing wherever possible. However, there may be times where a student is unwilling or unable to work within these procedures. In these cases, the process should continue, with concerns being raised, advice being sought, and action being taken, as appropriate.
- 8.5 If a student elects to interrupt or suspend their study due to ill health, the Fitness to Study procedures will resume prior to the students' return to study.

## **9. Crisis Intervention**

- 9.1 It is possible that a student may pose an immediate risk to themselves and / or others that they may require emergency assistance outside of these procedures. In all such cases staff should refer to the following:
  - Safety, Security & Emergency Guide
  - Safeguarding Policy
  - Health and Safety guidance
  - First Aid Protocol
  - Physical Restraint, Intervention and Searches Guidance (*note refer to ALN Reform guidance due Dec 2018*)
- 9.2 Alternatively, advice should be sought from staff at either Learner Services or the SHE Unit.

## **10. Medical Evidence**

- 10.1 If concerns are raised regarding the student's fitness to study, the student is encouraged to cooperate with any reasonable request to provide medical or other evidence. A student may however decline to co-operate with that request.
- 10.2 Grŵp Llandrillo Menai respects medical and other evidence provided by the student. Should the behaviour of the student be a result of the medical condition and a cause for concern then the behaviour of the student would be addressed in accordance with the Learner Code of Conduct Policy.
- 10.3 Ordinarily it is not expected that a cost will be incurred in providing evidence, however, if costs are incurred they will generally be borne by the student.
- 10.4 If an independent assessment is required this will be arranged by the college and the college may request that specific questions are asked. In exceptional circumstances Grŵp Llandrillo Menai may fund the cost of obtaining additional evidence.

**11. Process Stage 1 – Emerging or Initial Concerns  
Informal Intervention within Programme Area**

- 11.1 Stage 1 is used if emerging or initial concerns about an individual student's health, safety or mental wellbeing are raised.
- 11.2 If a student has concerns about a fellow student, they should discuss these with the member of staff with whom they feel most comfortable. This might be a tutor, the Programme Leader, their Personal Tutor or a member of the Learner Services team. The student will not be expected to deal with the situation themselves and having discussed the issue with a staff member, this staff member will make an appropriate referral, or deal with the concern.
- 11.3 If concerns have been identified by a member of staff, then that member of staff, or another with primary responsibility and/or knowledge of the student (either academic or learner support services) should talk to the student in a sympathetic and understanding manner, and indicate that there are concerns about the student's fitness to study, registered by use of this procedure. Staff may contact Learner Services to discuss whether the use of this procedure is appropriate.
- 11.4 In initiating Stage 1 the nature of the concerns should be clearly identified, and the student should be encouraged to discuss the issues, including the potential impact on themselves and others. It should be made clear to the student that, whilst Grŵp Llandrillo Menai has a duty of care to support students with ill health, it is the student's responsibility to be fit to study. As appropriate, information should be provided about sources of professional support within Grŵp Llandrillo Menai that the student can access (e.g. Student Support, Counselling Service, and the student's GP).
- 11.5 The student and Programme Leader should agree a date to meet within 1 month to review the situation, known as the Stage 1 Fitness to Study Review Meeting, and to discuss the effectiveness of the support that the student has been accessing. The key points and agreements, including action points arising from this discussion should be recorded on eDRAC and communicated to the student. A copy of the notes must be sent to the student within 5 working days. A copy of this information should be kept on the student's file for an agreed time period. The student should be reassured that the purpose of keeping it on file is to ensure that Grŵp Llandrillo Menai is providing all necessary support to ensure that the student continues to be fit to study.
- 11.6 All medical information is recorded on the Grŵp Llandrillo Menai Learning Support Management (LSM) database and in accordance with Grŵp Llandrillo Menai's GDPR statement, is retained for their period of study.
- 11.7 Students should be informed that if the concerns continue, any additional causes for concern arise, or they refuse or are unable to engage in the process, this could result in their fitness to study being further considered by moving to Stage 2.
- 11.8 More than one contact may be required with the student at Stage 1.
- 11.9 Where there is no response to contact or the level of concern is increased, the Programme Leader should escalate to stage 2.

- 12. Process Stage 2 – Continuing and/or Significant Concerns  
Formal Intervention, Case Review Initiated by Programme Area**
- 12.1 Stage 2, Case Review is used if continuing or significant concerns about an individual student’s health, safety or mental wellbeing are raised.
- 12.2 Stage 2, Case Review will be carried out by the Director, Learner Services or appointed nominee, who will work collaboratively with other Learner Services staff and staff within the Programme Area. The final decision on whether Stage 2 of the procedure is invoked will be taken by the Director, Learner Services after receiving information from staff and external agencies where applicable.
- 12.3 The student will be invited to attend the Stage 2 Case Review chaired by the Director, Learner Services or appointed nominee to discuss the concerns raised. The relevant Programme Area Manager and Programme Leader will also be in attendance as will the member of staff who has raised the issue, if appropriate.
- 12.4 The student will be informed that engaging with Stage 2 Case Review of the procedure is mandatory and refusal to engage may result in further escalation to Stage 3. The purpose of the meeting will be to ascertain the student’s perception of the issues that have been identified, including the impact which his/her ill-health and/or behaviour are having upon him/herself and/or Grŵp Llandrillo Menai’s community.
- 12.5 The student should be informed of the purpose of the meeting, and be advised of any documents s/he may be required to bring including medical evidence where appropriate. The student may be accompanied by someone to this meeting – for example, this could be a member of the Students’ Union, a member of Grŵp Llandrillo Menai staff acting in a supportive capacity, or a close family member. Disabled students may also be accompanied by a support worker (e.g. sign language interpreter or mental health worker).
- 12.6 Should a learner be aged under 18 and studying a HE programme the parent or legal guardian should be informed that the HE Fitness Study process is being invoked.
- 12.7 The student may request to attend all or part of the Stage 2 Case Review meeting.
- 12.8 The Director, Learner Services as chairperson will order the proceedings and may call witnesses if necessary.
- 12.9 During the meeting a mutually agreed action plan will be devised to put in place support for the student and formally agree expectations for the student to observe. This Stage 2 Fitness to Study Action Plan will have a specific review date, and the consequences of not keeping to the agreed action plan must be made clear to the student. This may involve moving to Stage 3 of the procedure, where a suspension of studies may be considered necessary.
- 12.10 If an action plan cannot be agreed at Stage 2, then the case must move to Stage 3.
- 12.11 A report of the meeting and its outcomes will be recorded by the Director, Learner Services or appointed nominee. A copy of the agreed Stage 2 Fitness to Study Action Plan will be submitted to the appropriate Programme Area Manager and the student’s Programme Leader.
- 12.12 The Programme Leader will disseminate this to relevant staff in the Programme Area as appropriate.
- 12.13 The student should be informed that if the Stage 2 Fitness to Study Action Plan is not adhered to, or any additional causes for concern arise, this could result in their fitness to study being further considered by moving to Stage 3.

12.14 The outcomes available of the Stage 2 Case Review are:

- 12.14.1 No further action required
- 12.14.2 To monitor the student formally for a specified period of time. A Fitness to Study Action Plan will be agreed with the student and regular review and monitoring meetings with an appointed member of staff agreed.
- 12.10.3 To recommend specific academic arrangements to be put in place, this may include suspension of studies. Such recommendations should be agreed with the student's Programme Area Manager, Programme Leader and Assistant Principal.
- 12.10.4 To refer the case to the Fitness to Study Panel, under Stage 3 of the formal procedure. This will be appropriate for all serious cases where there is evidence of a serious risk to the health and safety of the student or others. This course of action would be used when it is considered that suspension, temporary exclusion, permanent exclusion or withdrawal may be the appropriate course of action or if the student has not agreed to a recommendation or action plan made under Stage 2.

**13. Process Stage 3 – Serious or Persistent Concerns  
Formal Intervention by Fitness to Study Panel**

- 13.1 Stage 3 is used if serious or persistent concerns are raised about an individual student's actions or behaviour that are putting the health, safety, wellbeing of him/herself or other members of the Grŵp Llandrillo Menai community at significant risk.
- 13.2 The 'Fitness to Study Panel' will be convened following a referral from the Stage 2 Case Review panel or if the Programme Area Manager determines the concerns sufficiently serious to warrant the consideration of the student's suspension.
- 13.3 Suspension may be implemented at any point should there be a significant risk of harm to the individual or another. Should suspension be implemented due to a high risk factor, the Fitness to Study Panel will be convened within 10 days of the date of suspension.
- 13.4 The Assistant Principal, Grŵp HE in consultation with the Director, Learner Services, Quality Assurance Manager and the relevant Programme Area Manager and will convene the Fitness to Study Panel meeting.
- 13.5 The Quality Assurance Co-ordinator will administer the scheduling, take notes and update all records relating to the Fitness to Study Panel meeting.
- 13.6 Wherever possible the student will be given a minimum of 10 working days notice of the invitation to attend a Fitness to Study Panel meeting.
- 13.7 The student may be accompanied at the meeting by a Student Union representative, a fellow student or other advocate but not a legal representative. Disabled students may be accompanied by a support worker where required.
- 13.8 Those present at the Fitness to Study Panel will normally include:
  - Programme Area Manager
  - Programme Leader or Tutor
  - The appropriate Assistant Principal of the programme area
  - Quality Assurance Manager
  - The Director, Learner Services or a nominated representative

- Appropriate representation from the college support teams
- Medical Representation where appropriate
- Other witnesses as deemed appropriate by the chairperson

13.9 The Fitness to Study Panel will be chaired by the Assistant Principal, Grŵp HE or appointed nominee.

13.10 The purpose of the meeting is to consider the evidence and information available, including the student's perception of these concerns and to reach an appropriate decision, action plan or other outcome.

13.11 The Panel may order the proceedings at its discretion depending on the context and may call witnesses if required.

13.12 The Panel may request further medical evidence where appropriate.

13.13 The Fitness to Study Panel will determine an outcome which will normally be one of the following:

- an enhanced Action Plan, or
- suspension with conditions on health and wellbeing grounds
- exclusion or requirement to withdraw
- Delayed decision if further evidence is needed

13.14 If the Fitness to Study Panel recommends an enhanced Action Plan, the student will be invited to meet with the Assistant Principal, Grŵp HE or nominee to receive and discuss the recommended actions. The student will be invited to bring along a person to support them at the meeting. The plan will have a specified review date, and the consequences of not adhering to the action plan will be made clear. A copy of the agreed action plan will be submitted to the relevant Programme Area Manager and Programme Leader and stored on eDRAC.

13.15 If the agreed recommended action is a suspension of studies, the student will be notified in writing of the terms of the suspension. The student may be prohibited from participating in college activities and may be restricted from entering college premises or have restricted rights of entry. In certain cases it may be necessary to inform the student verbally indicating that the suspension is immediate and that a formal letter will follow. The suspension is intended to give the student time away from studies to address health and wellbeing issues, in order, wherever possible, to return to Grŵp Llandrillo Menai and resume study.

13.16 Exclusion or requirement to withdraw will only be recommended in the most serious of cases, for example when all avenues of support have been exhausted or, when the student will not suspend their studies voluntarily, or when the student has not engaged with agreed support.

13.17 The student shall be notified of the decision in writing within 7 working days of the Fitness to Study Panel meeting.

13.18 The outcome of the panel meeting shall be reported to the Principal and to the next meeting of HEQASG for monitoring purposes only. The details of the reason will not be disclosed.

#### **14. Return to Study**

- 14.1 The members of the Stage 3 Fitness to Study Panel, that made the recommendation regarding a suspension or temporary exclusion, will be reconvened to consider whether the student is fit to return to study. If it is not possible for all members to attend the meeting, at least one Assistant Principal not involved in the original meeting should be invited to consider the grounds of the request to return to study.
- 14.2 Any suspension of studies will not be lifted until the student has provided appropriate medical and/or other relevant evidence from their G.P. or other relevant professional that the student is considered fit to return to study.
- 14.3 Grŵp Llandrillo Menai may ask the medical professional to answer specific questions or consider specific issues, and will not make a decision to lift the suspension until satisfied that the student is fit to return to the Grŵp Llandrillo Menai learning environment.
- 14.4 Where appropriate, the college in consultation with the validating university may also require the student to attend an interview with relevant staff to determine the students' Fitness to Study.
- 14.5 Grŵp Llandrillo Menai will make every effort to allow the student to continue with their studies. This may include repeating periods of study and a requirement to attend regular review meetings. The ability to repeat or return to study will depend upon the individual circumstance and will be decided on upon merit.

#### **15. Appeal Procedure**

- 15.1 A student who wishes to appeal against the decision to suspend or exclude them, made by the Fitness to Study Panel may do so by submitting in writing their reasons of appeal to the appropriate college Principal.
- 15.2 Appeals should be submitted in writing within 10 working days of the date that the student received notification of the decision.
- 15.3 Appeals will only be considered on the following grounds:
  - Defects or irregularities in the conduct of the Case Review or Fitness to Study Panel meetings and where such defects, irregularities or advice could have affected the Panel's decision.
  - Exceptional personal circumstances that relate to the Panel's decision. The appellant must explain why such personal circumstances were not made known to the Panel before its meeting. Where a student could have reported exceptional circumstances to the Panel prior to its meeting, but did not do so, those circumstances cannot subsequently be cited as grounds for appeal.
- 15.4 The Principal or appointed nominee will investigate the concerns in any manner that s/he deems appropriate in order to gather full and relevant information before making a judgment on the appeal. The Principal's judgement will normally be issued within 20 working days of the date when an appeal is received.
- 15.5 Appeals against the decision of a reconvened Fitness to Study Panel will not normally be permitted nor will an appeal made by a student that did not engage with the process.
- 15.6 In accordance with the Higher Education Act 2004, the Office of the Independent Adjudicator for Higher Education (the OIA) has been designated by the National Assembly for Wales as the operator of an independent scheme in Wales for the review of student complaints. When the Fitness to Study Procedure has been completed a student may submit a complaint to the OIA. Any such complaint must be submitted by sending a completed Scheme Application Form

together with all relevant information to the OIA within three months of the date on the "Completion of Procedures Letter" from the university/college upon completion of its internal procedures. A Scheme Application Form can be downloaded from the OIA website [www.oiahe.org.uk](http://www.oiahe.org.uk). Further guidance can be sought from the Director, Governance and Information.

## **16. Disciplinary Action**

- 16.1 If a student who is experiencing physical or mental ill health breaches any of the validated programmes regulations, the breaches will be considered under the Grŵp Llandrillo Menai Learner Code of Conduct Procedures. A student will not normally be exempt from a disciplinary investigation because he/she is being considered in relation to fitness to study.
- 16.2 Each case will be considered on its own merits, with due regard given to issues relating to mental and or physical ill health.

## **17. Monitoring**

- 17.1 Data will be collected on the use of this procedure as follows:
  - numbers of cases at each stage of the procedure
  - numbers of suspensions of study
  - final outcomes e.g. return to study.
- 17.2 To ensure fair and consistent application of the procedure data will be collated, monitored and reported by gender, ethnicity, disability, age, religion/belief and sexual orientation where possible. In the preparation of lessons learned, the outcome of all Fitness to Study cases will be discussed with the staff from the relevant Programme Areas.
- 17.3 All of the above will be reported by the Learner Services team and monitored by the college via HEQASG in accordance with the HE committee structure.
- 17.4 Where applicable, the HE Team will communicate all suspensions resulting from applying the Fitness to Study procedure to the relevant awarding university body.

## **18. General Administrative Matters**

- 18.1 Any of the functions contained within this Policy may be delegated to a nominee.
- 18.2 In the application of the Fitness to Study policy and procedures, and where appropriate, Grŵp Llandrillo Menai will take account of relevant legislation; policies of the awarding university; and other college policies and procedures.
- 18.3 Grŵp Llandrillo Menai acknowledges that as a result of implementing this policy it will receive personal and sensitive information and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled, processed and stored accordingly.

Reviewed: October 2018

Next Review Date: May 2020