



**South Gloucestershire and Stroud College**  
**Fitness to Study Policy & Procedure**

**If you would like this document in an alternate format  
 Please contact the Human Resources Department**

<b>Prepared by:</b>	Gavin Murray
<b>Job Title/Role:</b>	Vice Principal - Performance, Standards & Effectiveness
<b>Ref. No.:</b>  <b>Q/P</b>	<b>Date of this version:</b> 01 <sup>st</sup> March 2021  <b>Review date:</b> 01 <sup>st</sup> September 2025  <b>Upload to College website: YES</b>  <b>Upload to e-Campus: YES</b>
<b>Approved by</b>	College Executive
<b>Date:</b>	25 <sup>st</sup> March 2021

# Impact Assessment



Completed by:		
Gavin Murray	Vice Principal - Performance, Standards & Effectiveness	15/02/2021
I have read the guidance document: Completing a Policy Impact Assessment?		✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:		✓

EQUALITY AND DIVERSITY IMPACT ASSESSMENT	
Characteristic	This policy seeks to:
Age	No appreciable impact
Disability	Use available resources to identify and address any issues of inequality as a result of disability. Supporting learners both academically and pastorally in order that they should be successful.
Faith or Belief	No appreciable impact
Gender	No appreciable impact
Race or Ethnicity	No appreciable impact
Orientation	No appreciable impact
Gender reassignment	No appreciable impact
Economic disadvantage	No appreciable impact
Rural isolation	No appreciable impact
Marriage	No appreciable impact
Pregnancy & maternity	No appreciable impact
Carers & care leavers	Use available resources to identify and address any issues of inequality as a result of being in care or a care leaver. Supporting learners both academically and pastorally in order to be successful.
Vulnerable persons	Use available resources to identify and address any issues of inequality as a result of being a vulnerable person. Supporting learners both academically and pastorally in order to be successful.
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the Academy Trust's stakeholder groups:	Sections: 2.2, 2.4, 4.1, 4.2, 4.4, 4.5, 4.9, 4.10, 5.2, 6.1, 7.2, 7.3.
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the Academy Trust's stakeholder groups:	
Is there any possibility that this policy could operate in a discriminatory way?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
If you have ticked yes (red), which characteristic will be most affected? Choose an item.	
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	<input type="checkbox"/> Click or tap to enter a date.

**Note:** if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

MAPPING OF FUNDAMENTAL RIGHTS	
Which United Nations Convention on the Rights of the Child ( <a href="#">UNCRC</a> ), Right does this policy most protect:	Art. 28 Right to education Art. 40. Right to justice Art. 42 Right to know your rights
Which Human Right ( <a href="#">HRA</a> ) does this policy most protect:	Art. 14 Prohibition of discrimination Art. 7 No punishment without law

DATA PROTECTION & PRIVACY BY DESIGN SCREENING	
Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will <u>not</u> result in the collection, storage or processing of personal data outside of official Academy Trust systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	✓

# Fitness to Study Policy

## 1. Introduction

- 1.1. The purpose of this document is to outline the appropriate procedures that staff should follow if concerns are raised regarding a student's academic engagement and/or fitness to study at the College and/or within a work placement. It should be read alongside the College's Disciplinary Policy and the Compliments, Complaints and Appeals Policy & Procedure.

## 2. Statement

- 2.1. This Policy has been written to ensure compliance with the concepts of natural justice, procedural fairness and best practice guidance issued by the Office of the Independent Adjudicator (UK).
- 2.2. South Gloucestershire and Stroud College expects all staff to recognise that academic engagement and fitness to study are inextricably linked to health and wellbeing. Therefore, if a learner/student's health or wellbeing leads to concern about their ability to study on their programme, staff should consider first and take action under our support for study procedures, by making an appropriate referral to the College's Wellbeing Team or other support services.
- 2.3. For the avoidance of doubt: A student is fit to study if they can consistently and effectively undertake their studies in a way that does not endanger themselves or other members of the College, or otherwise bring the College into disrepute.
- 2.4. **In determining whether or not a student is fit to study, the burden of proof rests with the College. Students are assumed to be sufficiently academically engaged and fit to study unless it can be proved otherwise.**
- 2.5. The decision as to whether or not a student is fit to study will be based on the balance of probabilities. That is, whether, on the basis of the evidence, it is more likely than not that the student's fitness to study is impaired and consequently they have not demonstrated a sufficient level of academic engagement.

## 3. Objective

- 3.1. In order to maintain health and safety, academic standards, scholarship, personal integrity and communal life essential to the College's Mission, students are expected to take responsibility for organising their academic work, their personal lives and their participation in College life in line with the College's Student Charter and Code of Conduct.

- 3.2. There are times when it is not in the best interests of a student, or the College and its community, to allow a student to continue studying because they are not fit to do so. It is appropriate for the College in these circumstances to recommend course suspension or permanent termination or withdrawal from studies.
- 3.3. Students may present themselves as not fit to study through submission of an Extenuating Circumstances form. Alternatively, a cause for concern may be raised by any third party, such as other students, academic or administrative staff.

#### 4. Principles

- 4.1. A student is academically engaged if they comply with the academic requirements stated within the College's Code of Conduct, they attend and participate in scheduled learning activities, comply with the regulations governing their programme of study and submit their coursework and assessment work on time. Where a learner/student is not academically engaged staff should consider the availability of support to help the learner/student engage, or instigate disciplinary procedures where appropriate and before consideration of the learner/student's fitness to study.
- 4.2. Where conduct, or one element of a student's conduct which is causing concern, falls into a category of misconduct (as linked to the Disciplinary Policy and/or the Code of Conduct), it must be dealt with through the College's disciplinary procedures prior to the determination of their fitness to study under the process outlined in annex 1. However, where deemed necessary, a student may be suspended from their programme and/or a placement pending an investigation. Prior to disciplinary processes being concluded, any allegation of misconduct remains undetermined and therefore cannot be taken into account with regard to fitness to study.
- 4.3. In all circumstances, concerns should be acted upon as quickly as possible in order to provide appropriate support and avoid crisis situations. In crisis or emergency situations staff should consult the college's Wellbeing Team (or visit: <https://www.sgscol.ac.uk/studentsupport> outside of normal business hours.
- 4.4. In the procedures outlined in in annex 1, staff should at all times ensure that they use the appropriate level of confidentiality. All matters relating to conduct causing concern and fitness to study MUST be recorded on Pro-monitor or My Concern (as appropriate). Matters relating to fitness to study involve the consideration of sensitive personal information and "special category data".
- 4.5. Information relating to a student's fitness to study should be disclosed to as few people as possible, and only to those involved in investigating or deciding the matter. Sensitive information should not be disclosed to Committee members until their membership has been confirmed (so that

the student has had an opportunity to object to a committee member, for example on grounds of bias, before they have seen the sensitive information). Sensitive information should be shared through Pro-Monitor or My Concern it should not be transmitted via email or instant messaging service unless absolutely necessary and with the appropriate degree of encryption.

- 4.6. There may be occasions where the College is obliged to disclose information, notwithstanding that the learner has refused consent. Where such disclosure is deemed necessary advice will be sought from the College's Data Protection Officer prior to any disclosure.
- 4.7. The College will keep records of concerns and actions taken regarding a student's fitness to study (even when the proceedings don't result in any action being taken against the student). Records of fitness to study concerns and investigations will be retaining for at least 6 years following the year in which the student ceases to be a student at the College.
- 4.8. The procedures outlined in annex 1 comprise three stages. Should a student be unwilling to play a part in these stages, or should the situation be sufficiently serious, then progress through the stages may be expedited or stages can still continue in the student's absence.
- 4.9. A student has the right to be accompanied to any meeting by a 'supporter'. A 'supporter' for the purpose of this policy, is defined as: an adviser from the SGS Students' Union, a current member of staff of the College or a currently registered student of the College. A person who does not fall within these categories will not be able to act as a 'professional friend' unless otherwise agreed by the Fitness to Study Committee Chair. Learner/students under the age of 16 and students with disabilities may also be accompanied by a Parent, Carer or Support Worker in addition to a 'professional friend', as appropriate to their needs and capacity to understand the fitness to study procedure. The 'professional friend', Parent, Carer or Support Worker may speak, comment or ask questions at any appropriate times and with the permission of the student. (During Fitness to Study Committee meetings 'professional friends', Parents, Carers or Support Workers may only address the Committee when invited to do so by the Chair).
- 4.10. Students have an absolute right to appeal against decisions of the Committee on Fitness to Study. Full details can be found in the College's Compliments, Complaints and Appeals Policy & Procedure. An appeal committee shall have the authority either to overturn or uphold the decision of the Committee on Fitness to Study.

## **5. Implementation – General**

- 5.1. A cause for concern as to a student's fitness to study can be raised in relation to a wide range of behaviours, including, but not limited to:

- 5.1.1. Non-engagement with study (Where appropriate support has been provided and/or the College's disciplinary processes have been exhausted);
- 5.1.2. Not being fit to study, which may or may not be related to any of the following (where appropriate support has been provided and/or the College's disciplinary processes have been exhausted) (this is not intended to be an exhaustive list):
- Substance misuse;
  - Health issues (mental or physical);
  - Aggressive, violent or threatening behaviour;
  - Inappropriate attitude or behaviour;
  - Health concerns and lack of insight or management of these concerns;
  - Circumstances putting staff or student safety or wellbeing at risk;
  - Circumstances placing unreasonable demands on College staff;
  - Failure to meet conditions placed on their fitness to return (where applicable), and
  - Multiple/serial Extenuating Circumstances claims or requests for a break in studies.
- 5.2. Where a cause for concern occurs at a student's placement or if a placement is suspended or terminated because of concerns about a student's fitness to study or practise the College will carry out its own investigation into the events which led to the concern or termination. Witness statements should be sought from staff at the placement, that the student can comment on; and, where it is appropriate placement staff can be asked to attend the fitness to study committee hearing. Although it is reasonable to attach significant weight to the professional opinion of staff at the placement, the Committee will also listen to the student's account of what happened and investigate any factual disputes or allegations that the student has not been treated fairly prior to making a determination as to fitness to study.
- 5.3. Where a cause for concern involves behaviour amounting to a criminal offence the College will wait for the outcome of any investigation or formal proceedings before conducting an internal investigation or considering a student's fitness to study. However, the College, at the discretion of the Office of the Principal, may take temporary action against the student, in order to protect other students, staff members and service users. For example, a student may be suspended, or temporarily withdrawn. Where a student is acquitted of a criminal offence, or where the criminal investigation has been dropped, the College may still take action under its disciplinary policy, safeguarding policy and/or fitness to practise process where it is appropriate to do so. If however, a student is convicted of a criminal offence, the College may convene a fitness to practise panel to determine whether what the student has done impairs their fitness to practise.

## 6. Key Performance Indicators

- 6.1. Fitness to study and or practice proceedings can be particularly stressful for students, and the outcomes can have serious consequences for their studies and future careers. It is therefore important that the investigations, hearings and appeals are conducted as quickly as possible and consistently with the principle of fairness. Therefore, the College will:
  - 6.1.1. The Learning Area Manager will tell the student as soon as possible (and within **72 hours**) that fitness to study/practise concerns have been raised;
  - 6.1.2. Complete the entire process, including any appeal, within **90 days** of the student being told of the concerns; and
  - 6.1.3. Where the student has been through related disciplinary proceedings, the fitness to study/practise process should be carried out as quickly as possible, and within **45 days** of the disciplinary decision. In such cases the fitness to study/practise process will not need to prove facts, allowing for proceedings to be concluded swiftly.

## 7. Responsibilities

- 7.1. **All College stakeholders** will have regard to the objectives and principles of this policy and as such are encouraged to talk to their tutors and/or other members of staff in order to fully understand the College's approach to causes for concern in relation to fitness to study or practice.
- 7.2. **All College stakeholders** will respond sensitively to the issues and concerns raised with them and where appropriate instigate action to mitigate for individual circumstances beyond a student's control by directed students towards the support services available to them, which can provide helpful independent support and advice. Staff will also endeavour to identify students who have mental health issues, disabilities or other personal characteristics that may mean that they need additional support.
- 7.3. Faculty and Departmental staff are responsible for ensuring that students are made aware of the fitness to practise requirements applicable to their programme.

## 8. Reporting requirements

- 8.1. Decisions of the Fitness to Study Committee, formal complaints and appeals will be recorded and used for analysis and management reporting. The SGS Further Education Corporation will receive reports, at least annually, and the College will make an annual return, as required to (1) the Office of the Independent Adjudicator; and (2) to the

Education and Skills Funding Agency (FE) and the Office for Students (HE).

- 8.2. The recording, analysis and management reporting of complaints and appeals will include an analysis of the prevalence of issues relating to equality, diversity and inclusion.

## **9. Related Guidance, Strategies and Legislation**

- Complaint Investigation Guidelines for Managers
- SGS Quality and Improvement Strategy 2018 - 2020
- SGS Single Equality Policy
- SGS Learner Charter and Code of Conduct (updated annually)
- SGS Applications, Admissions and Enrolments Policy and Procedure, and Guidance, Inclusion, Support and Transition policy
- SGS Compliments, Complaints and Appeals Policy & Procedure
- The Equality Act 2010;
- Health and Safety at Work Act 1974;
- University of Gloucestershire - Academic appeals and student complaints guidelines
- University of Gloucestershire Student Charter
- SEND Code of Practice
- Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure
- Keeping Children Safe in Education – Statutory guidance for schools and Colleges (updated annually)
- 'What To Do If You Are Worried a Child is Being Abused' – Advice for Practitioners (March 2015)
- Working Together to Safeguard Children – a guide to inter-agency working to safeguard and promote the welfare of children (March 2015)
- Safeguarding Vulnerable Groups Act (2006)



## Annex 1: Fitness to Study Procedure

### Faculty or Department Actions to maintain fitness to study

When a cause for concern is raised, the normal expectation is that the following will take place at Faculty or School level.

1. The student should be encouraged to speak to their Academic Tutor or any other appropriate member of staff about their circumstances or conduct. (If the student is unaware that there is an issue, the details of the concerns should be made clear and recorded on Pro-monitor).
2. Options should be discussed in relation to the needs of the student and any support that the College can provide. Where appropriate, reasonable adjustments that can be put in place should be considered in accordance with the Equality Act 2010, the Health and Safety at Work Act 1974, the Keeping Children Safe in Education guidance, and the SEND Code of Practice; in all instances, adjustments must be recorded on Pro-monitor.
3. Where the student is an apprentice, consideration should be given to consultation with their employer, in accordance with the Service Agreement, Learner Commitment Statement or Handbook.
4. Students should be signposted to and encouraged to engage with relevant support services, in particular Wellbeing and Counselling, Study Skills, English and Maths Extra, the Learner Support Team, the HE Disability and Support Advisor or the SGS Student's Union.
5. Students may also be signposted to or encouraged to consult a medical practitioner, an external organisation or the Togetherall service.
6. A written record of the discussion and any agreed actions **MUST** be drawn up and shared with the student (via Pro-monitor) and a review date set. This should reinforce the student's responsibility to take positive action to resolve the concerns raised.
7. The student and member of staff involved should meet on the agreed date to review the cause for concern. The majority of issues would normally be resolved at this stage.
8. If however, the cause for concern constitutes misconduct or gross-misconduct, the Academic Tutor must instigate the College's Disciplinary procedure prior to a review of fitness to study.

If, following Faculty or School Actions to maintain fitness to study, the student is subject to the College's Disciplinary Procedure – that procedure must be exhausted prior to moving to the next stage of this procedure (Case Review).

## Case Review of Fitness to Study

If the student has not achieved the agreed actions from Faculty or Department actions to maintain Fitness to Study or if the student has reached stage 3 of the College's Disciplinary Procedure (following instances of gross misconduct or for failing to comply with the terms of a formal written warning). The student should move to a Case Review of their Fitness to Study.

The College reserves the right to move straight to a case review where the students' health or behaviour poses a risk of harm to either themselves or others.

1. All case reviews will be approved by an Assistant Principal and undertaken by relevant concerned parties, examples of which might include one or more of the following:
  - A medical practitioner, mental health advisor, counsellor, Learning Support Manager or HE Disability and Support Advisor;
  - A Wellbeing Mentor ;
  - A Learning Area Manager;
  - A Quality Officer;
  - An Academic Tutor;
  - An employer representative.
2. The Assistant Principal, in consultation with the relevant parties, will review the case and discuss the steps taken and consider whether an enhanced action plan is likely to be of benefit to the student or whether the case should be referred to the Fitness to Study Committee.
3. Following this case review, the student will be invited to meet with the Assistant Principal and the Head of Faculty or School /and other members of staff, as appropriate, to receive and discuss the recommended actions from the Case Review.
4. In exceptional circumstances, for example where a student is exhibiting a mental or physical health condition the Assistant Principal may decide not to hold a meeting and will instead decide whether to refer the case to the Fitness to Study Committee. In such circumstances the student will be informed in writing of the decision by the Assistant Principal.
5. If the recommended action is the development of an enhanced action plan, this will be drawn up by the Faculty/ School in consultation with the student and other appropriate College staff to formally agree the College's expectations of the student and support that will be provided by the College. The action plan will have a review date and it will be made clear to the student that the consequences of not adhering to the plan will be referral to the Committee on Fitness to Study. A copy should be placed on the student's file in Pro-monitor and the students' Academic Tutor will be responsible for monitoring compliance against the action plan and for reporting any failure to adhere to the plan to the Assistant Principal.
6. If the recommendation of the Case Review is a referral to the Committee on Fitness to Study, a Case Review report will be written and submitted to the SGS Quality Team or Higher Education Curriculum, Standards and Quality Team who will convene the Committee.

## Committee on Fitness to Study

While it is possible to move straight to a Case Review it is not possible to advance a student directly to the Committee on Fitness to Study. It will always be necessary to hold a case review, or consult the College's safeguarding panel in order to provide the Committee with adequate information on the case.

1. The membership of the Committee will be comprised of at least four people from the following groups, plus the Chair:
  - The College Principal; the Vice-Principal or an Assistant Principal (who will Chair the Committee);
  - A Head of Faculty not already involved in the case;
  - The Designated (or Deputy Designated) Safeguarding Lead or Inclusion Manager;
  - The Director of Education Support Operations or the Education Support Manager;
  - The Head of Faculty, HE Curriculum, Quality and Development or the Head of Teaching, Learning and Assessment;
  - A member of the Colleges Senior Leadership Team;
  - A member of the College's Wellbeing Team or Higher Education Team, nominated by the Chair;
  - A Quality Officer or the HE Academic Standards Officer who will act as secretary of the Committee to take minutes from the hearing and keep a record of the proceedings and of evidence given to the Committee.
  - The Committee Secretary shall not have a vote and the Chair will only cast a vote in the event of there being no consensus.
2. On receipt of the Case Review report, the Secretary will write to the student enclosing:
  - The Case Review report and any other supporting documents to be considered by the Committee;
  - A copy of the procedure to be followed (this policy);
  - The date and time of the Committee hearing; and confirmation that:
  - The student is normally expected to attend in person, but may request to attend by telephone or remote web conferencing.
  - Similarly, where the student wishes to be accompanied by a 'professional friend', the 'professional friend' is normally expected to attend in person, but the student may request that the 'professional friend' attend by telephone or remote web conferencing.
3. Where a student declines their right to be accompanied by a 'professional friend' the Committee Chair will decide if it is appropriate to invite a College Wellbeing Mentor, Support Worker or Student's Union Representative to attend the Committee hearing as an appropriate adult or impartial observer.
4. All Members of the Committee and other persons present will be reminded that Committee hearings are private and what constitutes appropriate confidentiality in the circumstances.
5. The Committee may determine that (a) the student's fitness to study is not substantially impaired, that they have demonstrated a sufficient level of academic engagement and that they may continue with their studies; or (b) that the student's

fitness to study is impaired and/or their level of academic engagement has not been sufficient.

6. In the event that the Committee decides (a), the Faculty/Department will be responsible for ensuring that all reasonable efforts are made to enable the student to continue with their programme of study. The student's ongoing fitness to study and academic engagement should be monitored as normal.
7. In the event that the Committee decides (b), the Committee will determine any appropriate and proportionate action: the extent to which fitness to study is impaired or academic engagement has not been demonstrated; the extent to and means by which that impairment or lack of engagement might be addressed and, if applicable, any mitigating circumstances accepted.
8. Actions may include any of the following alone or in combination:
  - Formal notification to the student that their conduct has caused concern and that they must comply with any imposed conditions, which may include, but are not limited to close supervision, engagement with an appropriate medical or mental health professional; and/or engagement with one or more of the College's support functions to improve the student's academic practice.
  - Suspension for a specific period of time with or without further conditions;
  - A requirement to re-sit or retake part(s) of the programme, with or without further conditions;
  - Termination of the current course of study but offer of a transfer to an alternative programme as determined by the College and if deemed suitable in the circumstances and agreed with the student;
  - Termination of the current course and removal from the College, but retaining eligibility to receive any lesser award if applicable;
  - Termination of the current course and removal from the College;
  - Referral to College Careers Service to advise on appropriate next steps.
9. The Committee Secretary will send the student an outcome letter and a copy of the minutes of the hearing within **five working days**. This will also include information on how to make an appeal and how to request a completion of procedures letter following an appeal.
10. Failure to accept the conditions or submit an appeal in line with the College's Compliments, Complaints and Appeals Policy & Procedure will result in the case being referred back to Committee for further consideration and a decision made, usually by Chair's Action.

## Annex 2: Student Disciplinary, Fitness to Study/Practice procedural overview



