

# University Centre Colchester Fitness to Study Policy

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## 1. Introduction

- 1.1 Colchester Institute is committed to high quality advice, guidance and support for all of its students to support successful completion, achievement and progression.
- 1.2 Where concerns are linked to the attitude and behaviour of a student the **Student Disciplinary Procedure** should be referred to.
- 1.3 Colchester Institute recognises the importance of all students' health and wellbeing in relation to their academic progress and educational experience. Students are expected to take a proactive part in the process, by managing their own health and wellbeing and engaging with any necessary support, in order to fulfil their academic potential.
- 1.4 Colchester Institute is committed to promoting equal opportunities and fair and consistent treatment of all. All actions within Colchester Institute are taken with full regard to the Equality and Diversity Policy.

## 2. Scope and Purpose

- 2.0 This policy addresses academic concerns in relation to Fitness to Study.
- 2.1 This policy applies to any University Centre Colchester (UCC) student admitted or enrolled on a full time or part time study programme at Colchester Institute. It does not directly apply to sub-contracted provision; the policy may be used as a guideline for dealing with these students who may need to have their fitness to study reviewed.
- 2.2 University Centre Colchester is a sub-brand of Colchester Institute and relates to students studying on undergraduate and postgraduate study programmes. In this document the organisation may be referenced by either name or the term 'College' used.
- 2.3 There may be occasions where the health or wellbeing of a student deteriorates to the point where it raises questions about their fitness, ability, suitability or circumstances to continue their studies, or where it may impact adversely on those around the student.
- 2.4 This Policy will be used to support staff in all areas of University Centre Colchester to deal with instances where concerns have been expressed over an applicant's/student's health or wellbeing, which have led to:
  - concern from staff at pre-application or pre-enrolment stage about an applicant's fitness to study at University Centre Colchester and/or ability to meet the learning outcomes of the course, notwithstanding reasonable adjustments;
  - concern from staff about a student's fitness to study at University Centre Colchester and/or ability to meet the learning outcomes of the course, whilst enrolled on a University Centre Colchester programme, notwithstanding reasonable adjustments;
  - a negative impact on the health, safety, wellbeing and/or learning of the student and/or others with whom s/he has contact, including staff;

- a negative impact on the student's ability to attend University Centre Colchester and fully engage in their studies due to extended absence on health or mental ill health grounds, including being an in-patient in hospital or other residential facility.
- 2.5 It provides a supportive framework within which health and wellbeing issues are hoped to be resolved.
  - 2.6 Problems may manifest themselves in a variety of different forms including for example long-term damage to the student's health; disruption of the studies of other students; unsustainable demands being made of staff; detention under the Mental Health Act.
  - 2.7 This policy will normally be applied in relation to concerns which arise on the Colchester Institute premises or whilst engaged in a course activity whether at the College, an approved partner organisation and/or placement provider. However, incidents which occur outside the College and/or prior to enrolment which raise concerns about a student's fitness to study and where it is considered necessary to protect the safety, interests and reputation of the College, its staff or students, may also be considered under this policy.
  - 2.8 This policy will apply where students/applicants present with difficulties due to their physical or mental health or wellbeing. However, University Centre Colchester reserves the right at any stage in the policy to alternatively refer to the Student Disciplinary Procedure, where a student's attitude or behaviour poses a risk of harm to either themselves or others, or where a student does not engage positively with supportive interventions.
  - 2.9 This policy has four stages, based on the level of support needed by the student and/or the seriousness of risk posed by the health or behaviour of a student. Depending on the concern raised, it may be appropriate to move straight to level 2, or level 3, or level 4. Students are encouraged to engage with University Centre Colchester and access all support available to them, if they choose not to do so, then this policy may continue without their involvement.
  - 2.10 For students under the age of 18 (or who turn 18 within the academic year) communication with parents/guardians/ carers should be made at each stage of the policy, unless contra-indication to do so. Other relevant authority/agency/employer contact may be made as required in order to safeguard the wellbeing of the student. Consent to discuss concerns with relevant agencies will be gained from the student/parents/ carers (if under 18 years). If consent is not given but the student or others are considered at risk from harm, agencies may still be contacted. This will also apply to students aged 19 or over who have a Learning Difficulty Assessment (LDA) or Education Health and Care Plan (EHCP) or who are considered to be adults at risk of harm.
  - 2.11 If following utilisation of this policy it is deemed that a student is fit to study, however actions of the student may require disciplinary action, the case can be referred back to the UCC Disciplinary Policy for further investigation.
  - 2.12 This policy will be reviewed annually. This should be done in conjunction with the Student Disciplinary Policy.

### **3. Stage 1 – Emerging Concerns**

- 3.1 When a concern about an applicant's/student's health, safety, wellbeing, circumstances or academic progress is raised by a member of staff they should approach the student in a supportive manner. The member of staff may seek advice and guidance from the Dean of Higher Education, Head of School, or the Student Services and Welfare Manager.
- 3.2 The nature of the concern should be explained to the student in a meeting, and they should be encouraged to discuss the issues (it is possible that they will not have realised the impact of their actions). If appropriate, this is an opportunity to remind the student about the: Student Disciplinary Procedure, the UCC Student Contract; any other relevant University Centre Colchester policy; and the support that is available within and external to the institution, such as: Counselling or Additional Learning Support. It should also be explained that a continuation of the same or any additional concerns could result in an escalation to stage 2.
- 3.3 It is anticipated that the student will respond positively, co-operate and access the available support or, where appropriate, modify their behaviour.
- 3.4 Where applicants/students are already working with and engaging with external agencies, but there is still concern from University Centre Colchester regarding their physical, mental health or wellbeing that may pose a risk of harm to either themselves or others, this policy will be followed.
- 3.5 The stage 1 discussion with the student should be followed up with password protected notes held in a secure document that includes any agreed actions. Standard on-going monitoring of the student should continue by the course tutor.
- 3.6 If the student is unwilling or unable to respond positively, the member of staff should discuss the situation with the Head of School. Further advice from the Dean of Higher Education and Student Services and Welfare Manager is available if needed. University Centre Colchester may then decide to invoke stage 2 of the Policy.

#### **4. Stage 2 – Serious and/or Continuing Concerns**

- 4.1 Where continuing or serious concerns about an individual applicant's/student's health, safety, actions or mental wellbeing are raised, the member of staff should contact the Head of School to arrange a meeting with the student. A representative from Student Welfare may be asked to attend.
- 4.2 Together they can assess the applicant's/student's perception of the impact that their health, actions and/or behaviour is having upon them and/or the wider University Centre Colchester community, and ensure the student understands the College's expectations regarding an individual's fitness to study.
- 4.3 If the student is on a professionally regulated course, there will be consideration of any implications for professional practice.
- 4.4 An action plan will be drawn up and, where necessary, a risk assessment undertaken by the Head of School. The action plan will set out any reasonable support measures and any conditions that the student is required to adhere to, which may relate to their physical, mental health or wellbeing. The risk assessment will assess the risk relating to the student, fellow students, University Centre Colchester and/or staff. See Appendix A.

- 4.5 The action plan will include a review date, and it will be made clear that failure to adhere to the action plan may result in stage 3 being invoked. A copy of the agreed action plan will be saved securely (password protected) and sent to the student.
- 4.6 The action plan will be reviewed. It is expected that the student will respond positively to the action plan and co-operate fully, access the outlined support and/or modify his/her behaviour accordingly.
- 4.7 If the student does not engage positively or fails to adhere to the action plan, or if the meeting gives rise to more serious concerns about the applicant's/student's capacity to adhere to the fitness to study policy, the matter should be referred to the Head of School. It is then likely that stage 3 will be invoked.
- 4.8 If a student is not willing or able to attend the stage 2 meeting, (s)he may wish to nominate a representative to attend on their behalf. The policy will continue in their absence and (s)he will be informed in writing of the outcome of the meeting, and any enhanced action plan agreed.

## **5. Stage 3 – Significant and/or Persistent Concerns**

- 5.1 This stage will be invoked when significant and/or persistent concerns are raised about an individual applicant's/student's fitness to study that is putting the health, safety, wellbeing, circumstances or academic progress of him/herself or other members of the University Centre Colchester community at significant risk.
- 5.2 The Head of School will hold a stage 3 panel meeting to establish the facts and discuss an appropriate course of action.
- 5.3 The stage 3 panel meeting will normally comprise:
- Dean of Higher Education and/ or Head of School;
  - Student (or nominated representative: see 5.8);
  - Course tutor or personal tutor and/or another member of staff, as appropriate.
- 5.4 The following staff and specialist advisors may also be invited to attend, as appropriate:
- Vice Principal Student Services and Support;
  - Student Services and Welfare Manager;
  - Other relevant Colchester Institute staff;
  - An external health professional.
- 5.5 The outcome of the stage 3 panel meeting may be one of the following:
- that no further action is required; or
  - to agree an Enhanced Action Plan (see 5.9); or
  - to recommend a suspension of the student's studies to enable a full assessment of the circumstances with regard to the student and his/her course of study to be carried out (see 5.9);
  - to recommend that the student is not fit to study and should either not be enrolled or withdrawn from their course of study.
- 5.6 If the student is on a professionally regulated course, the stage 3 panel meeting will also consider whether there are implications for professional practice. Based on the seriousness of the case, and/or any perception of future professional implications, the stage 3 panel may deem it necessary to notify the professional regulatory body, if appropriate.

- 5.7 The outcome of the meeting will be noted securely, and sent to the student in writing.
- 5.8 If a student is not willing or able to attend the stage 3 panel meeting, (s)he may wish to nominate a representative to attend on their behalf. The policy will continue in their absence and they will be informed in writing of the outcome.
- 5.9 If the agreed action is an Enhanced Action Plan, the plan will have a review date and actions which have timely deadlines. This may include a risk assessment outlining risk and control measures.
- 5.10 It will be made clear that if the student does not adhere to the Enhanced Action Plan, this could result in further action under this policy, including a suspension of studies or withdrawal. An enhanced action plan could include any of the following requirements:
- The student making and attending an appointment with their GP;
  - Accepting a referral to a support agency i.e. Mental Health Services;
  - Utilising support within University Centre Colchester, for example Learning Support;
  - Attending counselling, as appropriate;
  - Obtaining a report from recognised health professionals evidencing fitness to study or establishing a programme of support.
- 5.11 Furthermore, University Centre Colchester may require evidence that the student has accessed support as directed.

## **6. Stage 4 – Demonstrable risk to self and others**

- 6.1 In exceptional circumstances, the behaviour and/or impact of a student's actions may result in stage 4 of the policy, a temporary suspension, being applied immediately. For this to happen, the events considered would be deemed to represent gross misconduct, as set out and defined in UCC's Student Disciplinary Policy.
- 6.2 Any such decision should be taken jointly by the Head of School, the Dean of Higher Education and the Vice Principal Student Services and Support, or their appointed representatives. Following the issuing of a temporary suspension notice, point 8 of this policy document applies.

## **7. Suspension of Studies (Stages 1-3)**

- 7.1 If the agreed action is a suspension of studies, the terms of the suspension will be specified, including any arrangements relating to access to support services, or whether the student can continue with their studies and/or assessments, and if so in what form.
- 7.2 The suspension of studies will be carried out by the Dean of Higher Education or a member of the College Executive. The Vice Principal Student Services and Support and Welfare Manager must be informed.
- 7.3 It should be understood that a suspension of studies is not a disciplinary sanction.
- 7.4 If the student is also a member of Colchester Institute staff, and the suspension of studies relates to reasons which may impact on their job role within Colchester Institute, the Dean of Higher Education, or member of College Executive who has authorised the suspension (point 7.2) can request the member of staff's line manager

to consider whether or not any further action is required in supporting the member of staff in their role.

## **8. Actions following a Suspension of Studies (Stages 1-4)**

- 8.1 A suspension of studies will be reviewed by a specially convened Suspension of Studies Panel, in the light of developments or upon receipt of documentary evidence received. The review panel will not normally involve a hearing or submissions made in person. The evidence received will normally be discussed amongst the members of the panel which includes the Dean of Higher Education, Head of School and Vice Principal Student Services and Support.
- 8.2 The student will be required to provide or co-operate with University Centre Colchester in obtaining independent, professional and satisfactory evidence that the original concerns are overcome or are being managed effectively, before being permitted to return to study. The panel is entitled to determine the evidence required in order for University Centre Colchester to consider the student's potential continuation of studies. Any failure to co-operate with University Centre Colchester may result in the student being withdrawn from the course.
- 8.3 The panel will review the circumstances and any evidence, and will consult with relevant staff. It may decide:
- a) that the student is fit to study and should be permitted to resume the course, subject to an action plan identifying relevant support measures and any conditions. Regular review meetings will be arranged to ensure that the student's progress can be monitored and on-going support modified if necessary (please see section 10: Returning to Study).
  - b) that the student remains unfit to continue and should be suspended for a further specified period. His/her return to study will be subject to confirmation by the Dean of Higher Education and an action plan;
  - c) to determine that the student is not fit to study and should be withdrawn from the course and University Centre Colchester with immediate effect.
- 8.4 The decision and associated reasons will be provided to the student in writing within 3 working days of the review.
- 8.5 It may only be possible for a student to return to study at certain points in the academic calendar, depending on the particular circumstances of the student and the course of study.
- 8.6 If a student decides to voluntarily withdraw from their studies at any stage of the procedure, University Centre Colchester will be entitled to request satisfactory evidence that the original concerns have been overcome or under control, before the student can be re-admitted in that or any following academic year.

## **9. Long Term Unavoidable Absence on Health or Mental Health Grounds**

- 9.1 On some occasions students may be unable to attend University Centre Colchester, or fully engage in their studies, due to medical, health or mental ill health reasons. This could be as a result of a serious accident; surgical procedure; long term health

condition or voluntary or mandatory admission to hospital or other residential support unit. This can also result in a suspension of studies.

- 9.2 Wherever possible students should be supported in engaging with their academic work, although it is recognised that this may only be on a part time basis. A supportive conversation should take place with the student about what (s)he can reasonably do whilst absent from College, with an action plan agreed and access to Moodle set up, work sent home, or equivalent depending on the circumstances.
- 9.3 Where it is appropriate and possible to do so, the programme leader or Head of School should maintain regular contact with the student to discuss the length of absence and monitor the likelihood of a return to study and the potential impact on their ability to successfully complete their course of study. If this is deemed unlikely, consideration may be given to intermitting or withdrawing from the programme with the opportunity to resume at a more appropriate point.
- 9.4 If a student chooses to intermit or withdraw from their programme, (s)he will be required to produce a fitness to study certificate from their GP prior to being allowed to recommence their studies.
- 9.5 If a student discloses information for an approved extenuating circumstances claim which insinuates they have not been fit to study in the past academic year the student will be required to produce a fitness to study certificate prior to being permitted to re-enrol for the following academic year.
- 9.6 Fitness to study certificates referenced in sections 9.4 and 9.5 are required to be approved by the Dean of Higher Education, Director of Teaching and Learning or Head of UCC Academic Services. Where a student is unable to provide a fitness to study certificate, or the document received is deemed to be unacceptable, Stage 3 of this policy will be applied.

## **10. Returning to Study – From Suspension of Studies**

- 10.1 Where satisfactory evidence is obtained to indicate that the original concerns are overcome or under control and that the student is fit to study and is permitted to resume the course, returning to study may be subject to an action plan identifying relevant support measures and any conditions.
- 10.2 A return to study meeting must take place with the student in which discussion must include reference to his/her resilience to cope with the demands of returning to College, and the level and intensity of study. Support from in-house departments should be explored and a further risk assessment carried out, where necessary.
- 10.3 Regular review meetings will be arranged to ensure that the student's progress and can be monitored and on-going support modified if necessary.

## **11. Register Marks – Suspension of Studies**

- 11.1 Where a suspension of studies is agreed the registers will be marked depending on:
  - a) If the student is fit to continue with studies and work from home or is being educated in a residential placement (Hospital Education Team) and this can be clearly evidenced - the student will be marked as O – Offsite Course Related.

- b) Where it is not possible for a student to work from home/offsite, or there is not enough evidence to satisfy that they are working from home, (s)he could be temporarily removed from the timetables. This would result in a neutral mark that will not have a detrimental effect on their overall attendance percentage. This mark can only be sanctioned by the Dean of Higher Education, Vice Principal Student Services and Support or member of the College Executive.
- 11.2 Where a suspension of studies is agreed, the student must be given the option of keeping in touch with the course area by phone call and/or email. This is entirely optional as the student may not wish to hear from University Centre Colchester whilst absent.

## **12. Re-admission Review Panels (Fitness to Study)**

- 12.1 When a concern about an applicant's health, safety, wellbeing, circumstances or academic progress is raised by a member of staff they should approach the applicant in a supportive manner to discuss concerns and to explore support which can be put in place or is already in place.
- 12.2 The member of staff may seek advice and guidance from the Dean of Higher Education, Head of School or the Student Services and Welfare Manager. (Stage 1)
- 12.3 If, after an initial discussion, concerns still exist, an Admissions Review Panel will be called. This will include:
- Vice Principal Student Services and Support;
  - Head of School;
  - Dean of Higher Education/course leader/ tutor/ Student Services and Welfare Manager/ Additional Learning Support co-ordinator may be co-opted, as required.
- 12.4 The panel will discuss concerns and consider evidence from medical professionals (if required) relating to the applicant and explore whether concerns can be reduced by an action plan being put in place to offer further support. The panel may decide:
- The applicant can enrol if (s)he agrees to an action plan for support (stage 2/stage 3 above);
  - The applicant is not fit to study and should not be enrolled on the course or at University Centre Colchester.
- 12.5 If the applicant applies later in the academic year or in another academic year, the applicant will be required to provide or co-operate with the College in obtaining satisfactory evidence that the original concerns are overcome or under control before being permitted to enrol, for example: a report from health professionals stating that student/application is fit to study and poses no risk to self/others. Any failure to co-operate with the College will result in an applicant not being able to enrol.

## **13. Appeals**

- 13.1 A student may appeal against decisions made within this policy by writing to the Principal and Chief Executive within 10 working days of receiving written notification of the decision. Appeals received later than 10 working days will not be considered. The letter must outline the grounds of the appeal. The appeal will normally be heard within 10 working days of receipt of the written appeal.

- 13.2 The Principal, a member of the College Executive and one member of the College Management Group will meet to consider the appeal. No member of the Admission Review Panel shall have any part in the appeals process. The decision of the appeals committee is final.
- 13.3 When University Centre Colchester's internal procedures for dealing with appeals has been exhausted, University Centre Colchester will issue a Completion of Procedures letter. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures letter.

#### **14. Confidentiality and Disclosure**

- 14.1. There may be occasions where Colchester Institute judges that it would be in the best interests of the student to disclose sensitive information e.g. to the student's designated emergency contact or to an external agency such as the Community Mental Health team. In these circumstances, the student's informed consent should be obtained where possible.
- 14.2. 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. In exceptional circumstances confidentiality may be broken, if the student is deemed to:
- Put their life at risk;
  - Put the life of someone else at risk;
  - Have experienced a deterioration in mental health to a serious level such being unable to maintain daily living routines and relationships;
  - Be at risk of serious exploitation or abuse;
  - Display behaviour that is adversely affecting the rights of others;
  - Place staff in a position in which their professional integrity may be compromised.

#### **15. Emergency Situations**

- 15.1 In cases of emergency requiring immediate suspension, staff or students should contact one of the following members of staff: Dean of Higher Education, Executive Vice Principal Curriculum, Planning and Quality, Vice Principal Student Services and Support or a member of the College Management Group (CMG).
- 15.2 In cases of emergency, the contacted member of CMG shall be empowered to:
- Suspend a student with immediate effect;
  - Contact parents, guardians and/or next of kin as appropriate;
  - Contact emergency services as application to the situation.

#### **16. Monitoring of the Procedure**

- 16.1 Colchester Institute will collect aggregated data about fitness to study cases and will include a summary in the Annual Safeguarding Report submitted to the relevant institutional sub-committee for the purpose of quality assurance and enhancement.

16.2 The effectiveness of the fitness to study procedure will be reviewed annually by the College Executive and where appropriate, changes recommended.

## **17. Related Policies**

This document should be read in conjunction with the following related policies:

- Colchester Institute Equality and Diversity Policy
- UCC Withdrawal Intermission and Transfer Policy
- UCC Student Disciplinary Procedure
- UCC Fitness to Practice Policy
- UCC Attendance, Engagement and Progress Policy

## Appendix A - FITNESS TO STUDY RISK ASSESSMENT

A student fitness to study risk assessment should be considered where a student's health, actions and/or wellbeing poses a demonstrable and on-going risk to the health, safety and wellbeing to others at University Centre Colchester and also presents a risk to their own safety.

### **A student fitness to study risk assessment should:**

- Involve the student where possible;
- Involve all staff who work with the student;
- Be conducted by a competent person;
- Involve outside agencies, where appropriate.

### **A risk assessment must:**

#### **(a) Identify and assess impact of the risk**

One way in which one can identify the risks is to gather evidence that can be used in the risk assessment. This should include:

- The actual behaviour which bring into question the student's health and wellbeing, including previous behaviour;
- The potential of harm (no harm, harm, serious);
- Pre-existing medical conditions, Additional Learning Support plan (e.g. Student Support Plan);
- The occurrence of risk (time of day, trigger points, pattern to behaviour);
- Who is likely to be injured or harmed;
- What kinds of harm, injuries are likely to occur.

#### **(b) Manage the risk**

From this evidence one should be able to devise a risk assessment detailing control measures to remove / reduce the risk.

The outcome of the risk assessment should be disseminated to all appropriate staff.

The risk assessment should be reviewed regularly taking into account the views of the student, staff and recognised medical professionals.

**STUDENT FITNESS TO STUDY RISK ASSESSMENT**

<b>Student's Name:</b>		
<b>Course:</b>		
<b>Risk assessment undertaken by:</b>	<b>Name:</b>	<b>Signature:</b>

Describe issues/behaviours that have the potential to cause harm	Who could be harmed	Risk level before controls are in place			Initial control measures used to date	New / further control measures required	Risk level with controls in place		
		L	M	H			L	M	H

**List any activities which cannot be safely managed, as far as it is possible to foresee:**

Student Name: ..... Student Signature: .....

Date of assessment: ..... Review date: .....