

HE Fitness to Study Policy and Procedures

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Revision History

Version	Purpose/Change	Date
4.0	Review of policy and procedure; amendment of roles in line with new management structure.	September 2021
5.0	Periodic review. Further detail included in Section 8 (8.1a to 8.5) to specify the grounds for appeal and the possible outcomes of an appeal. Addition of Section 9 to clarify process of external review following appeal.	September 2022

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This policy is written in line with the Expectations and Core practices of the UK Quality Code for Higher Education (Quality Code), which are a key reference point for higher education providers in all parts of the UK.

An effective approach to student support should encompass curriculum design and learning and teaching, working across all areas of provision. It will recognise the diverse needs of the student body and mitigate the potential adverse effects associated with challenging aspects of the student experience such as complaints, retention or progression.

The City of Liverpool College University Centre is committed to supporting its students and recognises the importance of their health and wellbeing in relation to their academic progress and College experience. Students are expected to take a proactive part in the process, by managing their own health and wellbeing and engaging with any support, in order to fulfil their academic potential.

1. Scope and Purpose

1.1. This policy applies to any student enrolled by the College. This procedure is not intended for use during the interview or admissions process.

1.2. In the context of this policy, health and wellbeing refers to the physical, mental and emotional health, attitudes, behaviours and lifestyles that enable students to meet the academic, social and emotional demands of the College life. There may be occasions where the health or wellbeing of a student is such that they may experience problems in meeting these demands and hence there may be concerns over their fitness and suitability to continue their studies in the long or short term. If staff consider there is an immediate risk they should refer to the safeguarding team and policy.

1.3. This Policy will be used to support staff in all areas of the College to manage instances where concerns have been expressed over a student's health or behaviour, which have led to:

- concern from staff about a student's fitness to study and/or ability to meet the learning outcomes of the course, notwithstanding reasonable adjustments;
- concern from staff about a student's fitness to undertake their work placement, notwithstanding reasonable adjustments;
- negative impact on the health, safety, wellbeing and/or learning of the student and/or others with whom they have contact.

Long-term illness; disruption of the studies of other students; unsustainable demands being made of staff; detention under the Mental Health Act can be some situations that staff will have to deal with.

1.4. This policy covers student conduct, behaviour and/or health and well-being in and outside the College when the student is involved in a College regulated activity. However, incidents outside the College 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.

- 1.5. This policy will apply where students present with difficulties due to their physical or mental health or wellbeing. However, the College reserves the right at any stage, to invoke the [HE Student Code of Conduct and Disciplinary Policy](#) where students do not engage positively with supportive interventions.
- 1.6. The Fitness to Study procedure has three steps, 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 the next step. Students are encouraged to engage with the College and access all support available to them. If they choose not to do so, then this procedure may continue without their involvement. Students will be entitled to an advocate if this procedure has been invoked.

2. Equality and Diversity

- 2.1. In responding to and managing situations where a student's fitness to study is a concern, the College remains mindful of its duty of care and of its obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate. In dealing with these cases the College also remains mindful of its duties under the Data Protection Act 1998 and GDPR (2018).
- 2.2. In implementing the procedure, the College will ensure that it offers and encourages students to seek appropriate support from the outset for example by referring students to their medical practitioner or the College's own services in relation to mental health, well-being, welfare and learning support.
- 2.3. The process is intended to be supportive rather than disciplinary in nature. However, the College reserves the right to invoke its disciplinary procedures in exceptional circumstances where a student's health or behaviour poses a serious risk of harm to either themselves or others and where the student has not positively responded to more supportive interventions.
- 2.4. Any decision reached about a student's fitness to study will be made, wherever possible, through a process involving the student and other relevant parties such as academic staff, parents or carers and internal and external agencies, such as social workers and local authorities, as appropriate in the circumstances.
- 2.5. The College is committed to equal opportunities and our aim is to make our procedures easy to use and accessible. The College will take steps to accommodate any reasonable adjustments to enable access to this procedure or receive responses in other formats and provide such assistance as may be reasonably required.

3. Step 1 – Emerging Concerns

3.1. When a concern about a student's health, safety or mental wellbeing is raised, a member of staff from the department with primary responsibility and/or knowledge of the student (e.g. Programme Leader (PL) or Senior Progress Leader (SPL)) should approach the student in a supportive manner. The member of staff may seek advice and guidance from the Director of Student Support Services.

3.2. The nature of the concern should be explained to the student, 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 provide information to the student about relevant support that is available within and external to the College, such as student welfare or counselling. It should also be explained that a continuation of the same or any additional concerns could result in an escalation to Step 2 of this Procedure.

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. The meeting should be recorded on ProMonitor, where appropriate, with any agreed actions and, if appropriate, arrangements for a follow-up meeting with the student at a later date. The Head of School must be informed. If the student is aged between 16-18, and there have been no existing safeguarding concerns about the student, parents will be informed and included in the follow up process. In the case that there are existing safeguarding concerns, the Director of Student Support Services should be consulted before involving the parents.

3.5. If the student is unwilling or unable to respond positively, the Programme Leader should discuss the situation with the Director of Student Support Services. Where possible, the student should be asked to sign a brief statement to say that referral to support services (internal or external) has been offered but declined. The College may then decide to move to Step 2 of the Procedure.

4. Step 2 – Continuing Concerns

4.1. Where continuing or serious concerns about an individual's health, safety or mental wellbeing are raised, the Head of School should contact the Director of Student Support Services to arrange a joint meeting with the student. The student will be invited to include information about any external health professionals relevant to the concern in question if this will assist the student.

4.2. Together the Head of School and Director of Student Support Services (or nominee) can assess the student's perception of the impact that their health and/or behaviour is having upon them and/or the wider College community, and ensure the student understands the College's expectations regarding fitness to study.

4.3. If the student is on a professionally regulated course, e.g. childcare or Dental Technology, there will be consideration of any implications for professional practice, including in relation to Professional Statutory and Regulatory Body (PSRB) requirements. See also the [Fitness to Practice Policy](#).

4.4. 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.

4.4. 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 moving to Step 3. This will be sent to the student within 5 working days of the meeting, who will be required to confirm acceptance of the terms in writing. A note will be made on ProMonitor, where appropriate, and a copy of the agreed Action Plan will be held by the Head of School and the Safeguarding team.

4.5. The Action Plan will be reviewed by the Head of School and the Director of Student Support Services (or nominee). It is expected that the student will respond positively to the Action Plan and co-operate fully, access the outlined support and/or modify their behaviour accordingly.

4.6. 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 student's fitness to study, it is then likely that Step 3 will be invoked.

5. Step 3 – Significant or Persistent Concerns

5.1. The Director of Student Support Services will convene a Case Conference to establish the facts and discuss an appropriate course of action.

5.2. The Case Conference will comprise:

- Director of Student Support Services
- Head of School or Head of Faculty

The following staff may also be invited to attend, as appropriate:

- Programme Leader
- Welfare and Wellbeing Manager
- Health and Safety Manager
- Member of safeguarding team involved with the student
- Other relevant pastoral or departmental staff e.g. Senior Progress Leader
- Any relevant external professional working with the student

5.3. The outcome of the Case Conference may be one of the following:

- that no further action is required; or
- to agree an enhanced Action Plan

5.4. If the student is on a professionally regulated course, e.g. Dental Technology, the Case Conference will also consider whether there are implications for professional practice, including in

relation to Professional Statutory and Regulatory Body (PSRB) requirements. See also the [Fitness to Practice Policy](#).

6. Enhanced Action Plan

- 6.1. If the agreed action is an enhanced Action Plan, this plan will have a review date. It will be made clear that if the student does not adhere to the Action Plan, this could result in further action under this Procedure. The Action Plan will be drawn up by the Head of School or Head of Faculty in consultation with the Director of Student Support Services and will be reviewed by the Case Conference team on the agreed date.
- 6.2. The Head of School or Head of Faculty will inform the student in writing of the outcome of the Case Conference within 5 working days. If the student is under 18, then the parents will be informed. In the case that there are existing safeguarding concerns, the Director of Student Support Services should be consulted before involving the parents.
- 6.3. The letter will include an invitation, where appropriate, for the student to meet with the Head of School or Head of Faculty, to receive and discuss the outcome of the Case Conference. The College will aim to arrange the meeting within 10 working days of the Case Conference. The student may be accompanied by a parent, friend or advocate for support at this meeting.

7. Further Actions

- 7.1. Depending upon the review of progress as agreed in the Enhanced Action Plan the Director of Student Support Services can reach the following decision:
- a. the student is fit to study and should be permitted to resume the course. This will be subject to the student engaging with the support provided as identified in the Enhanced Action Plan. Regular review meetings will be arranged with the Department and/or Student Support Services so that the student's progress can be monitored and support modified if necessary;
 - b. decide that the student is not fit to study and should be withdrawn from the course and the College.
- 7.2. A copy of the decision and associated reasons will be provided to the student in writing within 5 working days of the review. If the student is under 18, then the parents will be informed of the withdrawal. However, the reason for the withdrawal may not be communicated unless the student has given consent to do so.
- 7.3. It may be possible for a student to return to study in the next academic year depending on the particular circumstances of the student and the course of study. The College may request satisfactory evidence that the original concerns have been overcome or are under control before the students can return to study.

7.4. If a student decides to voluntarily interrupt their studies at any stage of the Procedure, the College will be entitled to request satisfactory evidence that the original concerns have been overcome or are under control, before the student can be re-admitted at a suitable point.

8. Appeal

8.1. In the case of a decision made by the Director of Student Support Services that the student is to be withdrawn, the student may appeal against the decision on the following grounds:

- (a) New evidence has emerged which can be corroborated and could not reasonably have been expected to have been submitted for consideration at the point the decision was made.
- (b) There is evidence of bias or a procedural irregularity

8.2. The appeal will be to the Vice Principal. Any such appeal must be lodged in writing via the HE Office (HEoffice@liv-coll.ac.uk) within 10 working days of the original decision being sent to the student.

8.3. The decision of the Vice Principal (or Executive Leadership Team nominee) shall be final. The Vice Principal (or nominee) may either endorse the original decisions or uphold the appeal against the decision.

8.4. If the appeal is not upheld, then original decision will stand. If the appeal is upheld in part or in full, the original decision may be revised or reversed as appropriate.

8.5. The reasons for the decision must be fully recorded and sent to the student in writing. A Completion of Procedures letter will usually be issued to the student (see Section 5, below).

9. Office of the Independent Adjudicator (OIA)

9.1. If, after exhausting the Appeals Stage, the student remains dissatisfied with the final decision they may submit a complaint to the Office of the Independent Adjudicator for Higher Education. This will be set out in the Completion of Procedures letter.

9.2. The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter. Information about the OIA and its processes can be found at: <http://www.oiahe.org.uk/>

9.3. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator
Second Floor, Abbey Gate
57 – 75 Kings Road
Reading,
RG1 3AB
Tel: 01189 9599813
Email: enquiries@oiahe.org.uk

10. Confidentiality and Disclosure

- 10.1. There may be occasions where the College judges that it would be in the best interests of the student to disclose sensitive information to an external agency such as mental health services via a GP. In these circumstances, the student's informed consent should be obtained where possible.
- 10.2. If the student chooses not to provide consent, the safeguarding team will decide on the matter in line with the College Safeguarding Policy considering the following:
- If the student is at risk of significant harm to themselves or others.
 - If their mental health has deteriorated to such a level that they are unable to maintain daily living routines and relationships.
 - A student is at risk of serious exploitation or abuse.
 - If the student's behaviour is adversely affecting the rights of others.
- 10.3. Staff should consult with the Director of Student Support Services where there is a need to disclose information without consent.
- 10.4. While recording outcome of the meetings at each step on ProMonitor, it is important that the College staff will use appropriate language when describing the situation. Wherever possible, there should be very little reference to student's underlying needs in order to respect their privacy.

11. Emergency Situations

- 11.1. In cases of urgency, any member of the Strategic Leadership Team (SLT) or any staff acting in the capacity of deputy Designated Safeguarding Lead, shall be empowered to suspend a student with immediate effect, pending the invocation of this Procedure.

12. Equal opportunities impact statement

- 12.1. The impact of this procedure on equality and diversity issues has been assessed. Implementation of the procedure will improve opportunities and fair access for all groups of learners and individuals and narrow any achievement gaps that exist. The impact of the procedure will be measured by an annual review. In monitoring the impact of this procedure, the College has given due regard to the College's [Single Equality Scheme](#) and its general Equality Duty.

9. Relevant Policies

Relevant policies and procedures are available on the College's website here: <https://www.liv-coll.ac.uk/study-at-the-college/higher-education/he-policies-and-procedures/> and, internally, on the HE Student Handbook VLE page here: <https://my.liv-stu.co.uk/vle/course/view.php?id=309>

- HE Fitness to Practise Policy
- HE Code of Conduct and Disciplinary Policy
- HE Procedure for Students and Potential Students with Criminal Records

- Single Equality scheme