



Suffolk  
New  
College

## FIT TO STUDY POLICY

<b>Policy Title:</b>	Fit to Study Policy
<b>Issue Date (mm/yyyy):</b>	11/2022
<b>Author(s):</b>	Director of Student Services, Safeguarding & Support
<b>Approved by:</b>	Senior Management Team
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<b>Related Policies and Procedures:</b>	Medical Needs / Assistance Policy Admissions Policy and Guidance Student Behaviour and Admissions Panel procedures Personal Risk Assessment Policy



## Equality Impact Assessment Tool

Name of Policy: Fit to Study Policy

		Yes/No	Comments
1	<b>Does the policy/guidance affect one group less or more favourably than another on the basis of:</b>		
	Race or ethnicity	N	
	Disability	Y	The College will take into consideration any disabilities and assess where possible what reasonable adjustments can be made.
	Gender	N	
	Religion or belief	N	
	Sexual orientation	N	
	Age	N	
	Marriage and Civil Partnership	N	
	Maternity and Pregnancy	N	
	Gender Reassignment	N	
2	<b>Is there any evidence that some groups are affected differently?</b>	Y	Disabilities will be a factor.
3	<b>If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</b>	N	
4	<b>Is the impact of the policy/guidance likely to be negative?</b>	Y	The College could determine that a learner is not fit to study or that adjustments cannot be made. The College will ensure where possible support is offered, adjustments are made and that learners understand the rationale for decisions.
5	<b>If so, can the impact be avoided?</b>		
6	<b>What alternatives are there to achieving the policy/guidance without the impact?</b>	N	
7	<b>Can we reduce the impact by taking different action?</b>	N	

# Fit to Study Policy

## 1 Background

Suffolk New College is committed to supporting learners and recognises the importance of a learner's health and wellbeing in relation to their studies and wider college experience whilst ensuring the health, safety and wellbeing of others in the College environment. Suffolk New College needs to be able to meet the medical and support needs of learners and where it is possible reasonable adjustments will be made. This policy applies in situations where information, declarations and previous experience of a learner requires them to be assessed for their fitness to study on their chosen study programme. The procedures for that assessment are included in this policy. This policy can also be read in conjunction with the College's Admissions Policy which explains the typical admissions procedures for learners.

This Policy applies to all college learners whether full-time or part-time and both current learners and potential learners who have applied. The term learner applies in both situations as set out in this policy. To be 'fit to study' means that you are able to fulfil all aspects of your study programme without impacting negatively upon other learners. The assessment will be impacted by the nature and environment of your study programme.

The procedures will review information known at application but will also apply if further information comes to light or if an incident occurs during the academic year.

All learners except those with Education and Health Care Plans (EHCPs) are required to complete a self-declaration Medical Form as part of their induction which is enclosed as Appendix B.

## 2 Referrals

A learner's fitness to study may be brought into question for many reasons and in a wide range of circumstances. These include (but are not restricted to) the following:

- The learner's application for a course has raised queries over their ability to meet the requirements of their study programme.
- The learner is currently enrolled but needs to be referred to the Student Admissions and Behaviour Panel prior to a judgement on whether they can continue on their selected Study Programme or progress onto a new Study Programme.
- Serious concerns about the learner have been reported by a third party (i.e. friend, colleague, placement provider, employer, member of public, medical professional etc.) which indicate that there is a need to question their fitness to study.
- The learner has told a member of staff that they have a mental and/or physical health need and/or provide information which indicates that there is a need to question their fitness to study.
- The learner's disposition is such that there may be a condition which is having a significant adverse impact on their health or which causes

them to have difficulty making adjustments of a reasonable nature that may indicate a need to address an underlying mental health issue. For example, if they have demonstrated mood swings; shown signs of depression; become withdrawn; are physically harming themselves.

- The learner exhibits behaviour which would otherwise be dealt with as a disciplinary matter, but which it is considered may be the result of an underlying physical or mental health issue.
- The learner's academic performance, personal or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health issue.
- The learner has refused professional medical intervention despite a diagnosed need or is ignoring advice and notifications to their lifestyle which impacts on their ability to meet the requirements of their study programme.
- They are failing to take their medication.
- Where the learner's health and wellbeing requires a disproportionate amount of support from the College, which the College will struggle to meet without it resulting in a negative impact on both staff and other learners.
- Where a learner is pregnant they should inform their tutor or Head of Curriculum Area as early as possible. A personal risk assessment should be completed and may be referred as part of this process.

In all cases, the learner's tutor, Head, or Director of Curriculum Area should be notified so that the Curriculum Area is aware of the situation and can provide any necessary support.

### **3 Applications to the College**

Upon receipt of the medical declaration forms for new applicants, anything falling under the referrals mentioned in point 2, will be referred to the Students Admissions and Behaviour Panel. The procedures under Section 5 of this Policy will apply.

If a learner has applied to progress onto a further course at the College and therefore is a returning learner, then they will still be required to complete a medical declaration form and any referrals will be made to the Student Admissions and Behaviour Panel. The process under Section 5 will apply.

### **4 Stage 1 – Current Learners**

Should any previous informal action (e.g. pastoral support, advice or signposting to specialist services) be unsuccessful, the Head of Area should approach the learner and explain to them, in a supportive and understanding manner, that concerns about their fitness to study have emerged.

The learner should be made aware of the precise nature of the behaviour that has caused these concerns to be raised including, if appropriate, reference to the level of perceived risk presented by the learner as measured by the personal risk assessment process.

The Head of Area will attempt to resolve the matter through discussions with the learner and their parent/carer/next of kin if appropriate. The learner should be given the opportunity to explain their own views on the matter, and be encouraged to think about using one or more of the support services offered by Student Services or available outside of the College. If any funding is available it may also be appropriate to look into the possibility of making special arrangements to enable the learner to study effectively. The College will aim to meet any reasonable adjustments identified unless they become unreasonable, particularly linked with the availability of resources to meet them and the impact on other learners and staff. The Head of Area will update internal systems to flag for Student Services any need and to confirm any support subsequently agreed.

It is hoped in most cases issues can be resolved at this level, and that learners will respond positively, co-operating fully with the process and taking advantage and making best use of any support available (including external support).

A review period will be determined as part of the Personal Risk Assessment. See section on Personal Risk Assessment and Appendix D for more detail. A meeting should be held to discuss the concerns. If the concerns have been addressed satisfactorily then the Personal Risk Assessment may remain in place but no further monitoring will be required under the Fit to Study Policy unless new information comes to light.

If the concerns have not been addressed, a further review period may be agreed and/or the learner's case will move onto the next stage of the procedure.

These discussions will be documented by the Head of Area. If the learner is unable or unwilling to co-operate with Stage 1 of the procedure then they will be informed that their case will automatically proceed to Stage 2 of the Fit to Study Policy.

## **5 Stage 2 – Panel Review**

If the actions taken under Stage 1 have not been successful or it is felt that the case is too serious to be dealt with at Stage 1, then Stage 2 will apply. Any new applicants to the College who require review under Fit to Study *prior* to their offer being confirmed will automatically be referred to the Student Admissions and Behaviour Panel to have their application considered.

Before the Panel is convened, the learner will be asked to provide any evidence from medical or other professional advisors (where appropriate) that may assist the Panel in making their decision.

The learner will be encouraged to provide as much information as possible, as it will ultimately enable the College to make an accurate assessment of risk and if required address the learner's difficulties in the most effective manner possible.

The information will take account of the following:

- the nature and extent of any medical condition from which the learner may be suffering;
- their prognosis and information on any triggers and typical behaviour expected;
- assessment of the extent to which it may affect his/her fitness to study and manage the demands of learning and the Study Programme;
- any impact it may have or risk it may pose to others;
- whether any additional steps should be taken by the College in light of the medical condition to enable the learner to study effectively;
- whether the learner will be receiving any ongoing medical treatment or support;
- whether the medical needs will impact on other learners and college staff and whether that impact is reasonable. See the Reasonable Adjustment section of this Policy;
- where a diagnosis has not yet been made, whether there is sufficient knowledge available to advise the College in the absence of knowing fully what is wrong.

The learner will be asked to provide full disclosure to the College of the results of any medical assessment. The College recognises that any such information disclosed will constitute 'sensitive data' for the purposes of the Data Protection Act 2018 and will be handled, processed and stored accordingly. Should the learner refuse to share relevant medical information, then the College may either continue the procedure under Stage 2 based on the information already in its possession or use another appropriate means to address the issue e.g. discussions with external agencies or professionals for advice on how best to proceed.

The Director of Curriculum Area will invite the learner and parent/carer/next of kin (where relevant) to a meeting. They will be given an opportunity at this meeting, or in advance of the Student Admissions and Behaviour Panel, to submit any information which they would like the Panel to consider. This may include a statement, references, medical information and details of any adjustments required. The Director of Curriculum Area will also be asked to submit the Referral Report (Appendix C) and Personal Risk Assessment (Appendix D), plus any other relevant documentation to the Student Admissions and Behaviour Panel, via the Panel clerk. The learner and parent/carer/next of kin (if applicable) will receive a copy of this documentation in advance of the Panel meeting.

The purpose of the Panel meeting will be:

- to assess the evidence presented by both sides;
- to agree the best way forward;
- to ensure that the learner and Curriculum Area are fully aware of the outcome and any implications it may cause.

The Panel may invite other staff to attend if they believe they can provide useful information in deliberating the learner's fitness to study.

The Panel may decide:

- That no further action is required.
- To formally monitor the learner's progress for a specified period of time when their studies commence. In this case an action plan will be agreed (to be overseen by the Director of Curriculum Area) outlining any steps which the learner will need to take and/or any support to be provided to the learner to address the concerns identified.
- Regular review meetings with the learner will need to be arranged with their curriculum team, the Head of Area will confirm who this will be. The learner will also need to be informed of the consequences of any breaches of the action plan which would usually result in the offer of a study programme being withdrawn.
- To agree that studies will be suspended for an agreed period of time.
- To withdraw the learner from the course or offer due to the inability of the College to manage the risk of the learner on this specific study programme and/or as a result of the learner failing to effectively engage in the process. The Panel will confirm the outcome (or to provide an update on the process) within 5 working days in writing to the learner and parent/carer/next of kin if required. (Note – day 1 of the 5 working days will be the first day *after* Panel has met).

## **6 Suspension**

During this process the College may decide that, pending recommendations on adjustments or on the outcome of the Fit to Study review, that the learner (if they are a current learner) should not attend the College.

This will be particularly relevant in a situation where the learner is a risk to either themselves or to other college learners and/or staff, and/or the College is unable to safely manage the needs of the learner at that time.

During any suspension period the learner must not come into the College unless they are formally invited (such as by their Director of Curriculum or Head of Area), to do so.

After a period of suspension on health grounds, the decision as to whether to permit the learner to return to study will be made by the Panel.

Learners will only be permitted to return if, after receiving any medical information, the College is satisfied based on an assessment of the risks that these can be mitigated, the safety of them and others can be monitored and the individual is fit to study and able to comply with any conditions imposed on their return.

## **7 Personal Risk Assessment**

If a Personal Risk Assessment is required then the College's Personal Risk Assessment Policy will apply and the necessary paperwork completed. Any learners who pose a risk to themselves or fellow learners and staff members will automatically be reviewed under Stage 2 of this Policy.

Any Personal Risk Assessments which identify risks with a learner which the College cannot mitigate will be automatically considered under Stage 2 of this Policy which is presentation of the case to the College's Student Admissions and Behaviour Panel.

## **8 Reasonable Adjustments**

The College is willing to consider any adjustments which can be reasonably made which will assist a learner with their studies. Suggestions of adjustments may be put forward by the learner, their parent/carer/next of kin, an appropriate external body or a member of college staff. These may also be identified as part of the Personal Risk Assessment or Panel process. Any adjustments put forward will be assessed by the Head/Director if at Stage 1, or by the Panel at Stage 2.

The Head/Director will seek further clarification on the suggestions if required and may need to liaise with the learner directly. Where possible adjustments will be made however the College reserves the right to reject requested adjustments which are unreasonable. These may include ones which are unreasonable on the basis of funding or may prevent the learner from fully achieving their Study Programme. Information on any adjustments being considered will be shared with the learner and confirmation of the ones which are agreed and what will be put in place, as well as details of any rejected adjustments, including reasons for the rejection. College systems will be updated with information on agreed adjustments. Learners who receive reasonable adjustments will need to co-operate with these modifications to their college experience. In any cases where they do not they will be referred to the Student Admissions and Behaviour Panel for further consideration whether, without their co-operation, they can continue with their Study Programme.

## **9 Stage 3 – Appeal**

A learner can appeal following Stage 1 if they believe there has been a failure to follow correct procedures or if new information, which was not reasonably available before, comes to light. They need to put their reasons for appeal in writing to the Director of their Curriculum Area who will arrange for the learner's case to be considered by the Student Admissions and Behaviour Panel at Stage 2 of this Policy. The Panel will consider the appeal and complete the procedure as set out in this policy.

Cases reviewed by this Policy will not automatically progress to Stage 3, however if a learner, both current or prospective, believes there has been a failure to adhere to the correct procedure or if new information comes to light which was not reasonably available at Stage 2, then they can request for their case to be considered at Stage 3 of this Policy which is by Appeal to the Deputy Principal. The appeal must be made in writing by email to [PanelAppeals@suffolk.ac.uk](mailto:PanelAppeals@suffolk.ac.uk) or by letter addressed for the attention of the Deputy Principal within 5 working days of the date of the decision letter/email. (Note – day 1 of the 5 working days will be the first day *after* the date of the decision letter/email).

For appeals at Stage 3 the Deputy Principal will consider the information provided by the learner. They will also review the minutes of the Student Admissions and Behaviour Panel who determined the outcome and seek any further clarification from the curriculum representatives where the learner is either studying or wants to study and with any staff from Student Services as might be required.

The Deputy Principal will make a decision to either uphold or dismiss the appeal. They may require the Student Admissions and Behaviour Panel to re-convene on the matter. The Deputy Principal will write to the learner to confirm the outcome of their appeal. Their decision is final and there are no further college internal processes as any appeals will be treated as a complaint.

## **10 General Matters**

The College will take into account relevant legislation such as the Data Protection Act, Mental Health Act, Human Rights Act, Disability Discrimination Act and the general right and expectations of a learner's confidentiality.

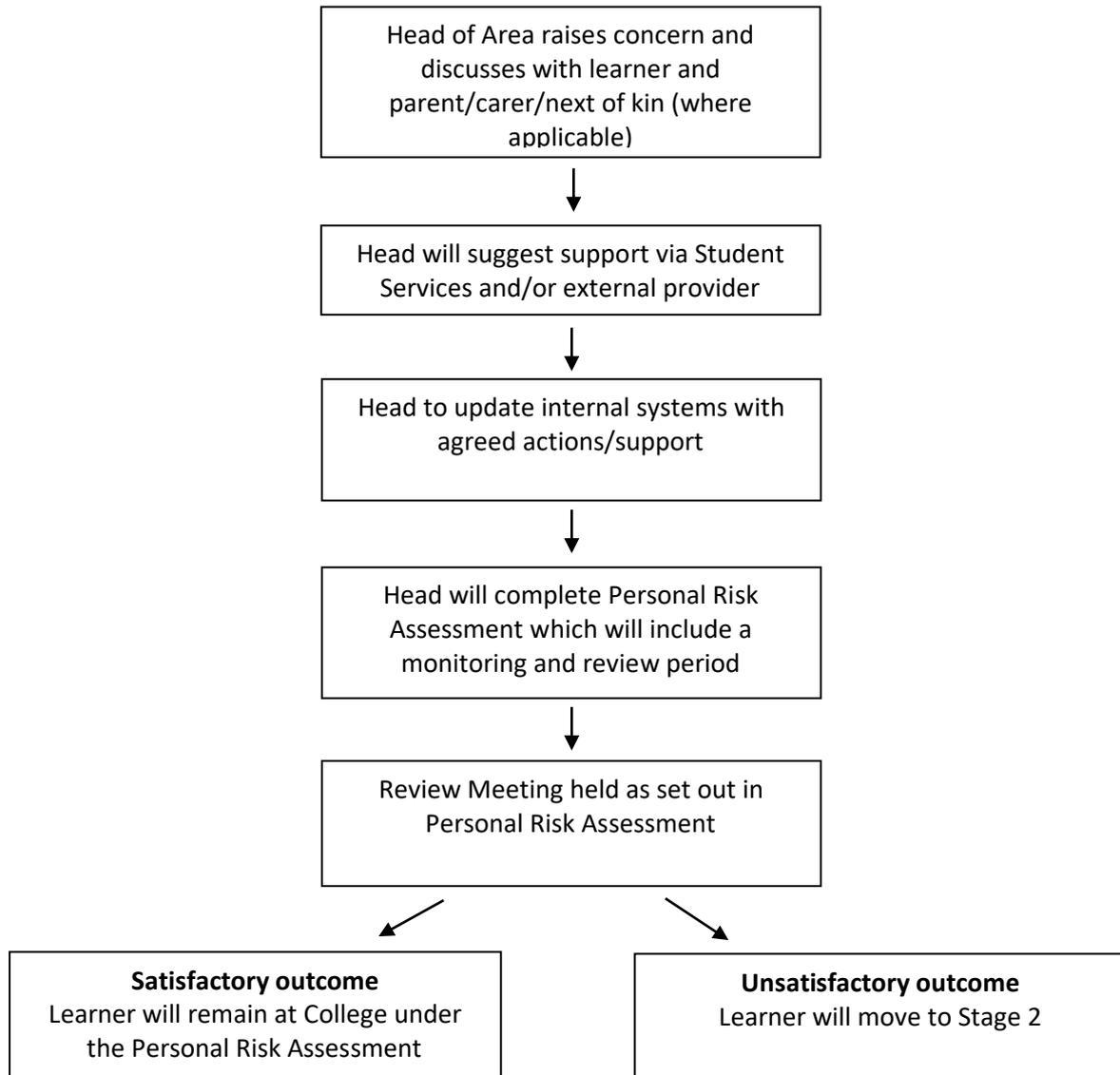
In cases where this Policy has been applied for any learners aged under 18 at the time of commencing their studies, the College will keep the learners' parent/carer/next of kin informed of the process. There may also be a requirement to have contact with statutory services in connection with this evaluation.

The College acknowledges that as a result of implementing this Policy that they will receive personal, sensitive data and data of a confidential nature pertaining to the learner. The College will ensure that all such data is handled, processed and stored accordingly.

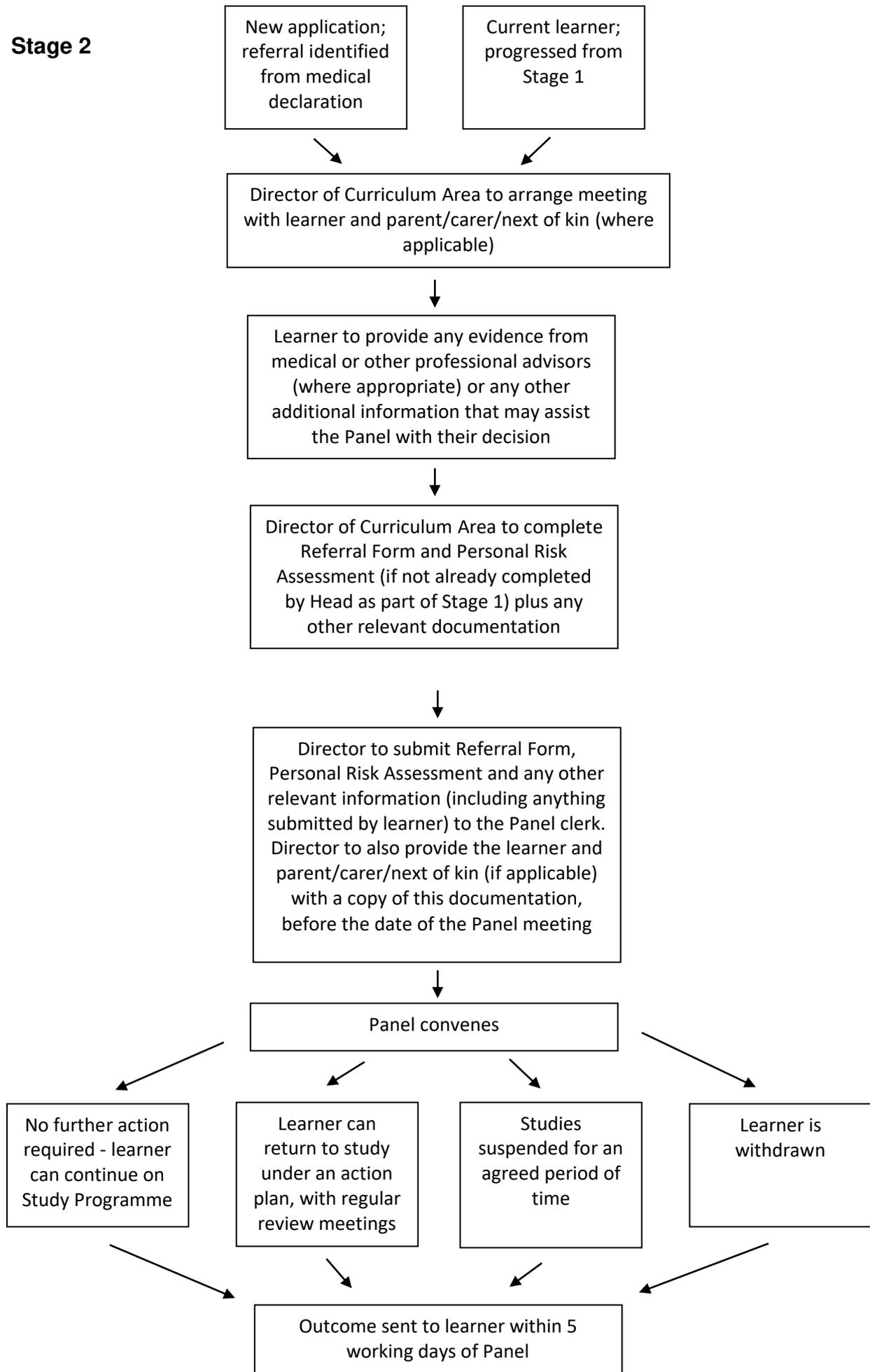
## Appendix A

### Process:

#### Stage 1 (current learners only)



**Stage 2**



# APPENDIX B

## Medical Self-Declaration Form

### Fit to Study Policy

The College is committed to supporting both current and prospective learners to achieve their full Study Programme. As part of our Fit to Study Policy we require all learners, except those with an EHCP, to complete this self-declaration form so that the College is informed of any health, well-being and medical issues which may impact on their studies.

Any information provided on this form will be treated confidentially.

<b>Name:</b>	<b>Name of Parent/Carer/Next of kin if under 18:</b>
<b>Address:</b>	<b>Address:</b>
<b>Date of Birth:</b>	<b>Phone number:</b>
<b>Contact Number:</b>	

**Study Programme main qualification:**

.....

**Learner ID Number (if known and current learner):**

.....

**Details of any medical conditions (include any mental/physical health issues and allergies) which are relevant to the completion of your studies at Suffolk New College**

**Details of any reasonable adjustments you would like the College to consider.**

I certify that the information I have provided on this form related to my current medical condition is accurate and that I have not intentionally withheld any information. I understand if further information later becomes known, which I have failed to declare, then the College will refer my case to the College's Student Admissions and Behaviour Panel for evaluation.

I understand that I need to keep the College informed of any change in my health and wellbeing, including the status of any medical conditions, and that as a learner of the College I must keep my Tutor or Head of Curriculum Area up to date on any health matters so that a view can be taken regarding whether these will impact on my ability to complete my chosen Study Programme or impact on others in the College, and also so the College can put support in place as required.

Signed: ..... Date: .....

**This form needs to be returned to the College as part of the Induction process. It should be passed confidentially when you return your completed Learning Agreement/Enrolment Form. It will be kept confidential.**

**For office use only:**

Received by Funding & Performance (date): .....

Any relevant information passed to Student Support (date):.....

Any relevant information updated on internal systems (date): .....

Form passed confidentially to Student Admissions and Behaviour Panel Clerk (Executive Assistant to Deputy Principal) (date): .....

**Referral Report**

**Fit to Study Policy**

*To be completed by the Director of Curriculum Area.*

<b>Learner name</b>		<b>Person code</b>	
Course			
Tutor			

**Medical condition/disability/issue being assessed**

(attach any assessments that have been obtained)

**Reason for Referral**

(including evidence from Medical Self-Declaration Form which should be attached)

**Learner/Parent/Carer/Next of kin explanation of condition and how this affects their studies and whether there are any reasonable adjustments that could be made**

**Describe the risks associated with this learner commencing or completing their chosen Study Programme**

(attach a copy of any Personal Risk Assessments previously completed)

**Summarise any actions already taken in relation to this learner and any impact as a result of these actions. Please include details, if available on how the learner has responded to the actions determined.**

Signed (Staff):

Date:

A completed copy of this form should be sent to the Executive Assistant to the Deputy Principal, in their capacity as clerk to Panel.

**Director to contact Funding & Performance with name/EBS details so that a flag can be put onto student application/enrolment (if required) (date): .....**

## APPENDIX D

### PERSONAL RISK ASSESSMENT

Name of individual being assessed:

Name of Director

Date of assessment:

**1. Identify the medical condition/disability/issue being assessed:**

**2. Describe the risk(s) that have been highlighted (refer to the checklist Appendix B for guidance)**

a) History

b) Current situation

**3. List the hazards or the situations that will have an impact in your working or learning environment, i.e. workshop, classroom, office, other activities**

**4. What are the hazards?**

**5. Who is at risk?**

**6. What measures are in place?**

4. What are the hazards?	5. Who is at risk?	6. What measures are in place?

**7. If risk is realised how severe is the likely outcome?**

Minor ( ) Moderate ( ) Severe ( )

**8. How likely is it to happen**

Very likely ( ) Likely ( ) Possible ( ) Unlikely ( )

**9. Risk rating**

High ( ) Medium ( ) Low ( )

**10. Judgement**

Acceptable risk / Unacceptable risk (delete as appropriate)

**Action Plan**

Action(s)	Person(s) responsible	Target date	Date completed

**11. Review procedures (identify who, what and when)**

**Person completing the risk assessment comments:**

Signature:

Date:

Print Name:

Title:

**Director comments:**

Agreed: HIGH/MEDIUM/LOW Risk

Agreed: Acceptable/Unacceptable

Signature:

Date:

Copy to:  
(Please tick)

- Director
- Head of Curriculum Area
- Lecturers / Instructors
- Technicians
- Learning Support Team
- Student Support Manager
- Learner File
- Parent/Carer/Next of kin
- HR Advisor
- Health & Safety Manager

<input type="checkbox"/>

## **APPENDIX B**

### **Guidance for Section 2**

#### **History**

1. Has the risk been realised before? Y/N
2. If YES give details: How often, when and where?
3. What was the outcome?
4. What was the impact on others?
5. What support, if any, have you had previously to manage this risk?

#### **Current Situation**

1. Are you on medication/treatment/support? Give details.
2. How could your condition/disability/issue limit your activities?
3. Are there any triggers?