Fitness to Study and Practise
Policy & Procedure
2017/18

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<tr>
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<th>Name</th>
<th>J Kelly</th>
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<tr>
<td>Job Title</td>
<td>Director of Quality, Support and HE</td>
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<td>Date policy reviewed:</td>
<td>20th February 2017</td>
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<td>Date policy to be reviewed:</td>
<td>31st August 2017</td>
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<td>Impact assessed by:</td>
<td>J Kelly</td>
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<td>Policy approved by:</td>
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Introduction

1.1 Southport College aims to be a welcoming, inclusive college for all who learn or use our services. It has a positive policy of equality and diversity and strives to support students wherever possible. It also has a duty of care to staff, students and visitors and must endeavour to ensure that their wellbeing and health and safety are a priority at all times. Occasionally a student or potential student’s circumstances, conduct or health may impact upon their own or others’ ability to fulfil their potential, which may result in the implementation of the Fitness to Study and Practise Policy.

2. Aim of the Policy

2.1 The aim of this policy is to ensure that everyone who works and learns at the College achieves their full potential safely in an environment free from discrimination. The College will endeavour to meet the needs of applicants and students with learning needs, medical conditions and disabilities. The College will make all reasonable adjustments to enable academic success and minimise any potential risks presented by current or potential students.
2.2 The policy also aims to ensure that students:

- are prepared for entry to their chosen profession;
- have developed and can maintain professional attitudes, both in and outside College and including use of social media;
- understand and demonstrate professional behaviour.

3. Definitions

3.1 Fitness to Study

3.1.1 This relates to an individual’s capacity to engage satisfactorily as a student, including in relation to academic matters and College life in general. Fitness to study covers issues relating to students’ wellbeing, physical, emotional and mental health and safety, and the wellbeing and health and safety of other individuals.

3.1.2 “Fitness to study” relates to the entire student experience, and not just a student’s or potential student’s ability to engage with their studies.

3.2 Fitness to Practise

3.2.1 Fitness to Practise may be defined as any incident, event or concern which may potentially impinge on the student’s fitness to practise within a given profession or industry.

3.2.2 This applies to all students (and potential students) on courses which lead to:
- the right to practise as members of a particular profession
- or which contain a practice component leading to registration with a professional, regulatory or statutory body that entitles the student to practise that profession.

3.2.3 Fitness to Practise refers to the student’s health, general and professional conduct, both on and off College premises, and within their private lives, and it is judged against the requirements of the professional body in question (the professional, regulatory or statutory body that oversees the course/profession). Professions which may be affected include childcare, initial teacher education, counselling, accountancy and nursing.

3.2.4 The expected standard of behaviour relates to a student’s chosen profession and it may be higher than what is expected from students on other courses. College staff and placement providers dealing with professional courses need to be aware of this policy.

4. Scope of the Policy

4.1 This policy applies to all students irrespective of their method of application or enrolment or their type of study including those on further education, higher education (including programmes awarded by partner institutions), school links and apprenticeship programmes, studying either full-time or part-time, whilst attending a College centre or at a College-approved placement.

4.2 In most cases College policies relating to conduct, behaviour and on-course performance are initiated to address poor performance and/or inappropriate behaviour, which may impact on our duty of care. However circumstances may arise when these policies and procedures are inappropriate. This may be due to:
• The nature of a student’s presentation requires support beyond the expertise or capacity that we can reasonably offer.
• Actions or incidents on-course that present a health and safety hazard
• Actions or incidents outside of the College (including social media)

(This list is not exhaustive – further examples are provided in Appendix 1)

4.3 Under this procedure, the College may wish to reserve the right to review the contract between the College and the student based on risk assessment findings. There are occasions where to continue at the college is no longer in the best interests of the student due to them being at significant risk or that the student may put others at significant risk which cannot be effectively managed; that is:
• A risk to themselves
• A risk to their peers
• A risk to the staff of the College
• A risk to users of College facilities
• A risk to the College premises or facilities

4.4 Any outcome of a risk assessment taken under this policy will apply to all College sites and all enrolment venues and programmes, wherever these are delivered.

4.5 The risks identified could relate to information / evidence arising prior to or at the time of enrolment, or arising post enrolment whilst studying at the College. Instigation of this policy is at the discretion of the Director of Quality, Support and Higher Education, Student Engagement Officers, the Student Guidance Manager or Vice Principal (Services) and can be used instead of, or in conjunction with other College Procedures.

5. Fitness to Study Procedure

5.1 A Risk Assessment (Appendix 1) is to be carried out by the Student Engagement Officer. This assessment outlines the summary of concerns, background information, progress made on course, potential risks/issues, and steps to minimise risks (such as support) and outcomes.

5.2 An Impartial Person will be assigned to the case who will act as a link between the panel and the student. The student and/or guardian/carer will be invited to submit a written statement if desired. In exceptional circumstances a student may not be informed in advance that a Fitness to Study assessment will take place e.g. Safeguarding concerns whereby there will be an increased risk to the student and/or others.

5.3 As a result of a Risk Assessment being carried out, a panel will carry out a formal review of the Risk Assessment and supporting evidence. The student / potential student will be notified in writing within 15 term-time days of the proposed meeting. The panel will consist of:
• Senior Post Holder (Chair);
• Director of Quality, Support and Higher Education or Director of Teaching and Learning and External Relations;
• Director of Facilities Management;
- Head of Department;  
- Safeguarding Officer or Learning Support Co-ordinator/Medical Needs Co-ordinator.

5.4 As part of the Fitness to Study process relevant documentation surrounding the student will be considered and where necessary specialist advice may be sought. The panel will consider what, if any, measures can be adopted to minimise risk. Once a decision has been made it will recorded on the risk assessment, which must be signed by the panel. The outcome may be:
  - **No Action**
  - A range of steps to minimise risk, for example, alteration of programme, additional support/supervision, monitoring, a review period;
  - **Recommendation to withdraw the student, defer study or to not proceed with the application process**;
  - **Warnings issued in line with the College’s Maintaining Student Responsibility (MSR) Conduct Procedures and which, where appropriate, will be recorded on the student’s Individual Learning Plan (ILP);**
  - **SMART targets set in line with College’s MSR Academic Procedures and which, where appropriate, will be recorded on the student’s individual learning plan (ILP).**

5.5 The student, or when more appropriate their parent, guardian or link organisation (e.g. Children’s or Adult Services, care home), will be informed in writing of the decision.

5.6 Where a current student is up to the age of 17 the Local Authority must be informed if exclusion is the outcome. If a student is under 16 the Local Authority Educational Welfare Officer must be informed at the point of suspension and again if the decision is made to exclude.

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**6. Suspension during Fitness to Study Assessment**

6.1 In the case of a current student the College may require that the student does not attend College until the process of Fitness to study is complete. The following staff are empowered to send a student home pending a decision from a senior post holder as to whether the student should be suspended from College:
  - Vice Principals
  - Director of Quality, Support and Higher Education
  - Director of Facilities Management
  - Safeguarding Officers
  - Duty Principal

6.2 During this time the student will not be allowed on College premises or to take part in College events (trips, shows etc). The student will receive a letter from the College Principal (or Vice Principal) detailing the suspension and outlining the procedure and naming the Impartial Person. On request the Impartial Person can assist to supply study materials to the student during any required absence under this policy.
6.3 If a student is also employed by the College as a member of staff, volunteer or sub-contractor the Director of Human Resources and, where appropriate, the Director of Facilities Management should be consulted.

7. Appeals Procedure

7.1 Exclusions and All Other Sanctions

7.1.1 If a student or potential student wishes to appeal against the decision of the Panel this must be put in writing to the Director of Quality, Support and Higher Education within 15 working days of issue of the letter advising them of the outcome.

7.1.2 An Appeals Panel will meet within 10 working days of receipt of the letter. The Principal or a Governor will chair the appeal. The panel will also include two other College managers not previously connected with the case. A member of the original panel will then be asked to present the case. All relevant documentation will be reviewed including the appeal letter and any new evidence. Where necessary specialist advice can be sought.

7.1.3 The student or relevant person will be informed of the decision by letter.

7.1.4 The outcome of the appeal is final.

8. Review of Recommendations

8.1 Any future applications to the College will be considered. It may be possible for a student to study at the college in the future if there has been improvement to their condition by the next enrolment and they meet entry requirements. Guidance will be given on what support might be appropriate to ensure future fitness to study and what evidence would be expected at enrolment to support this.

8.2 The Safeguarding Officer will then gather together all relevant documents, including the original Fitness to Study outcome and supporting documents. The original panel (with substitutions where appropriate) will then be recalled to look at the new documentation, requests and any other relevant information.

8.3 The student, or when more appropriate their parent, guardian or link organisation, will be informed in writing of the decision.

8.4 Appeals will be as above.

9. Substitutions

9.1 In the Vice Principal’s absence the Principal will substitute. In the absence of the Director of Quality, Support and Higher Education the Student Guidance Manager, Student Engagement Officer or Learning Support Coordinator may substitute. The Health and Safety Officer may substitute for the Director of Facilities Management.
10. Fitness to Practise

10.1 A number of our further and higher education programmes may lead to students becoming registered members of regulated professions or working within a position of trust. A student’s fitness to practise may come into question at application stage or during their enrolment at College in relation to their:

- Health or mental health
- Criminal convictions or pending convictions
- Disqualification by association
- Civil proceedings (other than divorce or dissolution of a civil partnerships)
- Disciplinary procedures by a professional, regulatory body or employer
- Formal action by authorities of a safeguarding nature

(This list is not exhaustive)

10.2 Fitness to practise is communicated to applicants and students throughout the application process from IAG, application form and interview.

10.3 The onus is on the student or potential student to establish if they will be able to progress into their chosen profession. The student is obliged to tell us immediately if they have any concerns regarding their fitness to practise and the College will be able to assist with any queries.

11. Confidentiality

11.1 All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the Common Law Duty of Confidentiality.

11.2 There may be occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent:

- Where the learner’s behaviour threatens their safety or safeguarding, and that of others;
- Or where the College would be liable to civil or criminal liability for failure to disclose.

12. Other Relevant Procedures

12.1 Where it is felt to be more appropriate this policy can be used alongside of, or instead of, other College procedures including:

- Admissions Policy
- Higher Education Admissions Policy
- Maintaining Student Responsibility Policy and Procedures – Conduct
- Maintaining Student Responsibility Policy and Procedures – Academic
- Safeguarding Policy and Procedures
- Relevant Criminal Convictions Guidelines
- Equality and Diversity Policy
- Data Protection Policy
Appendix 1: Examples of types of concerns

Please note that this is not an exhaustive list. The concern may be related to an issue within a College setting (including a College-approved placement) or equally to an issue in the student or potential student’s private life outside College.

**Fitness to study**

- Abuse including misuse of alcohol or drugs (including driving under the influence) and any type of use that affects their studies;
- Use or handling of illegal substances;
- Physical or mental health issues that are not satisfactorily managed and remain a concern after reasonable adjustments have been put in place;
- Threatening, aggressive or violent behaviour;
- Inappropriate behaviour
- Behaviours or issues that may pose a risk to the individual, College staff and students, or the public.

**Fitness to practise**

- Failure to follow College rules and policies;
- Conduct contrary to the standards put in place by the professional body;
- Failure to follow work placement rules and policies;
- Abuse including misuse of alcohol or drugs (including driving under the influence) and any type of use that affects their studies;
- Use/handling of illegal substances;
- Criminal convictions, which may include those that are ‘spent’;
- All types of fraud and dishonest conduct;
- Physical or mental health issues that are not satisfactorily managed and remain a concern after reasonable adjustments have been put in place;
- Threatening, aggressive or violent behaviour;
- Unprofessional behaviour;
- Inappropriate behaviour and general attitude;
- Behaviour/issue that may bring the College into disrepute;
### Appendix 2: Fitness to Study Report

**CONFIDENTIAL – Fitness to Study Report**

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<td>Panel Members</td>
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#### Background Information


#### Time Line


#### Summary of information obtained from


#### Progress on college course


#### Summary of Potential Risks / Issues


Steps to minimise risks (see attached Risk Assessment for full details):

Report completed by: [Name]  Date: [Date]

Notes on the outcome:

Panel Signatures

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Appendix 3: Fitness to Study Risk Assessment (Confidential)

Student Name:

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<th>What are the risks?</th>
<th>Evidence</th>
<th>Who might be harmed and how?</th>
<th>Level of risk (RAG)</th>
<th>What can be done to reduce this risk?</th>
<th>Residual risk (RAG)</th>
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