



KMS 425 Fitness to Study Policy

This policy should be read in conjunction with:

KMS017	Disciplinary Code of Conduct
KMS034	Learning Support Policy and Appendix A Learning Support Student Guidance
KMS250	Safeguarding Policy
KMS400	Equality Policy
KMS410	Prospective Students – Concerns
KMS420	FE and HE Admissions Policy
KMS860	Data Privacy Policy (GDPR Privacy Statement)
KMS900	Views and Complaints Policy



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Information and Reason for the Policy

Kingston Maurward College is committed to supporting all students and their wellbeing, by providing a wide range of opportunities for students to access the curriculum and extended activities, including enrichment and meaningful work experience / industry placements.

Programmes of Study are designed to enable students to reach their full academic potential, gain the relevant skills, knowledge and behaviours that are required to meet their career aspirations and prepare students for entering the adult world.

It is recognised that early intervention and a positive approach to the management of both the physical and mental health of each student is crucial to their learning experience and their potential for academic achievement.

What is Fitness to Study?

Fitness to study can be defined as a student's capacity to engage fully with their Programme of Study in order to meet the learning outcomes, with reasonable adjustments made where appropriate and or necessary to facilitate this.

Equally, these incorporate limitations to allow students to complete each activity safely, without endangering their own safety and wellbeing of themselves, their peer students, staff, employers and / or visitors to the estate / campus or external places under the direction of the College.

Concerns related to a student's fitness to study may include, but are not limited to the following

- the student poses a risk to their own health, safety and / or wellbeing and / or that of other persons;
- the student's behaviour is, or is at risk of, negatively affecting the teaching, learning and / or experience of others in the College community;
- the student's behaviour is, or is at risk of, negatively affecting the day-to-day activities of the College or an employer (i.e. internal work experience, external work experience / industry placement provider)

Who should know about this policy; how does it relate to applicants to the College and current students

All students, parents & carers, employers, staff, governors and visitors to the College should be aware of this policy.



Created by:		Review Date:	
Approved by:	Senior Management Team	Responsibility for Review:	
Date Approved:			

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This policy covers students studying full-time, part-time and distance-learning who are enrolled with the College for all levels of study.

Please note - where a student is studying towards a qualification delivered by a partnership university, the Fitness to Study policy of this institution may take precedence over the College's policy.

Applicants to the College, who declare a health condition or disability, may be subject to Fitness to Study consideration.

It should be noted that a failure to declare a medical or health condition, or omission of such information, or the supply of false or inaccurate information may invalidate the application and where relevant, any subsequent offer and place at Kingston Maurward College.

Please note - Further information regarding an applicant's responsibility to make the College aware of any supporting need is contained within the Colleges Admissions Policy (KMS420 FE and HE Admissions Policy).

Roles and Responsibilities

- The Deputy Principal, or another designated member of the Senior Management Team, will act as the College's Fitness to Study Advisor (FSA)

The FSA will, at all times, seek advice from specialist staff within the College as appropriate.

- The College's Designated Safeguarding lead will serve as the moderator for Fitness to Study cases (usually the Assistant Principal Student Experience & Progression)

Raising concerns regarding Fitness to Study

Concerns about a student's fitness to study may be raised by the student or by a third party.

Third party reporters can include other students, academic, support and business staff either whilst the student is engaged in activity onsite or whilst engaged in College-led outside activities such as Study Trips or work experience / industry placements.

Where a student is raising the concern, they should make every effort to raise it with their Course Manager, teacher or a member of staff / their employer who has responsibility for their work experience / industry placements.

However, the College recognises that there may be exceptional circumstances in which students consider that they cannot approach this person, and in such cases they may seek help from someone else, such as the Student Union Representative or the Student Welfare Team and, with their consent, they will help students to raise the concern.

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- **Further Education (FE), and including Work Experience / Industry Placements**

Academic and Support staff should normally discuss any cases of concern with the Deputy Principal, as the College's Fitness to Study Advisor (FSA) but this may also be another member of the Senior College Managers Team, as nominated by the FSA / Senior Management Team.

Advice should be sought from the FSA as to what information is to be shared and with who in terms of the student's Fitness to Study; this may include, but is not limited to, the relevant Head of Department, the Safeguarding Team / Student Welfare Team, the student's Course Manager, the Health & Safety Manager and the Careers & Industry Lead.

Where a Fitness to Study concern involves an external work experience / industry placement, the FSA will nominate a link person to communicate with an employer.

The FSA may also direct the intervention of external agencies on the advice of the College's designated Safeguarding Lead.

- **Apprenticeships**

Apprenticeship Coordinators, Employers, Academic and Support Staff should normally discuss any cases of concern with the Deputy Principal, as the College's Fitness to Study Advisor (FSA) but this may also be another member of the Senior Management Team as nominated by the FSA.

Advice should be sought from the FSA as to what information is to be shared and with who in terms of the student's Fitness to Study; this may include, but is not limited to the Head of Apprentices, the Safeguarding Team / Student Welfare Team, academic and support staff.

Where a Fitness to Study concern involves an Apprentice, the FSA will nominate the Head of Apprentices to act as the link person to communicate with an employer.

The FSA may also direct the intervention of external agencies on the advice of the College's designated Safeguarding Lead.

- **Adult Education and Part Time Courses**

Academic and Support staff should normally discuss any cases of concern with the Deputy Principal, as the College's Fitness to Study Advisor (FSA) but this may also be another member of the Senior Management Team as nominated by the FSA.

Advice should be sought from the FSA as to what information is to be shared and with who in terms of the student's Fitness to Study; this may include, but is not limited to, the relevant Head of Department, the Safeguarding Team / Student Welfare Team, the student's Course Manager, the Health & Safety Manager and the Careers & Industry Lead.

Where a Fitness to Study concern involves an external work experience / industry placement, the FSA will nominate a link person to communicate with an employer.

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The FSA may also direct the intervention of external agencies on the advice of the College's designated Safeguarding Lead.

- **Higher Education (HE)**

Academic and Support staff should normally discuss any cases of concern with the Deputy Principal, as the College's Fitness to Study Advisor (FSA) but this may also be another member of the Senior Management Team as nominated by the FSA.

The FSA will nominate the Head of HE to act as the link person to communicate with the partnership universities, providing the FSA with guidance and information relating to each institutions' guiding principles relating to Fitness to Study (which may take precedence over the College's policy).

Advice should be sought from the FSA as to what information is to be shared and with who in terms of the student's Fitness to Study; this may include, but is not limited to, the relevant Head of HE, partnership universities, the Safeguarding Team / Student Welfare Team, the student's Course Manager and the Careers & Industry Lead.

The FSA may also direct the intervention of external agencies on the advice of the College's designated Safeguarding Lead.

Confidentially and information sharing

For Fitness to Study matters, the College seeks to limit access to sensitive personal information to those who require it to enable the student's fitness to study to be established and / or those who need it to support the student.

The FSA will provide guidance to staff as to what information is to be shared, and with who, in terms of the student's Fitness to Study; where appropriate this should be discussed with the Designated Safeguarding Lead.

Staff should discuss with the student the need / desirability to be able to share personal information with designated members of staff on a need-to-know basis.

Where possible, an agreement should be reached with the student on who their sensitive personal information (health data) can be disclosed to, and their written consent to this obtained.

The student should be made aware that they may change / remove their consent at any time but conversely, that if their situation deteriorates, it might be necessary to share their information with health professionals or external agencies without their prior consent. It should be noted that the College's FSA and Designated Safeguarding Lead will discuss this prior to any action being taken without the student's consent.

The College will follow its College practices and in line with KMS860 Data Protection Policy (GDPR Privacy Standard).

Actions to be taken in relation to Fitness to Study concerns / issues

Actions upon initial concerns / Concerns raised by Academic staff

1. Where a member of staff becomes concerned that a student may be unfit for study, or such concern has been brought to their attention by a student or another member of staff, then they should raise the issue with the FSA.

The FSA will check that appropriate advice is sought, and then will arrange for the relevant Course Manager/ Apprenticeship Coordinator / Programme Lead (HE), Head of Department and / or Student Welfare team member to meet with the student.

The FSA, or nominated representative, may also opt to attend this meeting if appropriate.

All students should be encouraged to be accompanied in this meeting by a family member or friend. Invitations issued for the meeting should inform students of this right and every effort will be made by the College to ensure that meetings take place at a mutually agreeable date / time.

At the meeting,

- it should be explained to the student, in a supportive and understanding way, that concerns about their fitness to study have emerged.
 - The student will be made aware of the exact details and nature of the behaviour that has caused the concern.
 - The staff will attempt to resolve the matter by informal discussions with the student.
 - The student should be encouraged to reflect, explain their views on the matter and should be encouraged to use the support services offered the College.
 - The staff should consider with the student whether any specific academic arrangements or other types of support can be applied to help the student to study more effectively.
2. It is anticipated that in most cases the concerns can be resolved at this stage and that the student will engage with this process and access the support that are available to them at the College or with external organisations.
- Any plans and actions agreed between the staff and the student should be set out in writing to the student so it is clear what has been agreed.
3. A review period should be established, by agreement between the student and the staff.

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Sufficient time should be given to allow the student to reflect, consider their behaviours, make and demonstrate change, whilst also seeking support.

A further review meeting should take place, examining and discussing the progress made and the steps taken to address the initial concerns.

Any further emerging concerns should also be discussed as appropriate, to ensure all parties are clear as to the College's expectations.

4. Further meetings may be scheduled to monitor the situation and progress made by the student.

The FSA, or their designated member of staff, should as required help the student access the support available to them to enable them to continue with their studies.

The general expectation of the College is that the student will take personal responsibility and fully engage with the support recommended by staff; staff should endeavour to ensure that the student is fully aware of this expectation.

5. If the student has not engaged with the initial attempt to resolve the concerns, i.e. the concerns have not been addressed, support has not been sought, and the FSA feels that sufficient progress has not been made, then the case can be referred to a Fitness to Study Panel.

At any stage during an initial attempt to act on initial concerns raised by a member of staff, the matter may be referred to a Fitness to Study Panel.

In discussion with the College's Designated Safeguarding Lead, the FSA may also deem it appropriate to refer the student's behaviour to the Student Code of Conduct and accompanying disciplinary action may be invoked in line with the College's Disciplinary Code of Conduct (KMS017)

The Fitness to Study Panel

1. A request for a Fitness to Study Panel may be made by any member of staff (academic, Safeguarding/ student welfare or other appropriate person) where the concern is considered significant enough to justify the panel in the best interests of the student and the wider student and staff community.

The FSA, or their designated member of staff, will review the request and confirm it is appropriate to convene the Panel.

2. The Panel will consist of the FSA, the Designated Safeguarding Lead. Representation from the curriculum and Student Welfare Team will be sought if appropriate (to contribute evidence but not to the Panel outcome and decision), plus the student if they are available to attend.

If the student is unable to attend, they can provide a written submission to explain the behaviour that has raised the Fitness to Study concern.

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3. Having considered the evidence presented to the Panel, the Panel shall determine whether the student is fit to study and declare one of the following outcomes:
- The student is fit to study and the case should be dismissed. The student should be advised what behaviour caused the concern and how it should be avoided in the future.
 - The student is fit to study if a managed Action Plan is followed; the Panel will liaise with the relevant Course Manager, Head of Department and Student Welfare team to ensure that the requirements of the Action Plan can be met and the student's progress against identified actions are reviewed appropriately, together with any new emerging concerns.
 - The student is unfit to study and will not be fit to study in the foreseeable future, and a recommendation should be made to the Principal for exclusion and their place at the College withdrawn.
 - The student is unfit to study currently, but may be fit to study after a determined period of time; therefore, the student should be temporarily suspended or their place on the course deferred.
At this point, The FSA, in agreement with the Panel may decide to assign certain conditions and confirm the time limit to a deferred offer of study.

The decision of The Panel will be communicated to the student in writing within 5 working days of the date of the decision made.

Returning to study

Where a student was temporarily suspended and is at the point of returning to study, it must be determined that they are fit to return.

The FSA, or their designated member of staff, Head of Department, Course Manager and a member of the Student Welfare Team will meet to consider whether the student is fit to return to study.

Further evidence will be requested from the student that considers their ability to fully engage with their studies and meet the requirements of the programme.

A student will only be permitted to return if, after receiving the appropriate evidence, the FSA, Head of Department, Course Manager and Student Welfare are satisfied that the individual is fit to study.

Where a student returns to study after a temporary suspension under this Policy the FSA, or their designated member of staff, Course Manager and Student Welfare will consider any support that the student may require to facilitate a return to studies, such as regular review meetings or a return to study action plan.

The general expectation of the College is that the student will take personal responsibility and fully engage with the support recommended by staff; staff should endeavour to ensure that the student is fully aware of this expectation.

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Where the FSA, or their designated member of staff, the Head of Department, the Course Leader and Student Welfare are not satisfied that the student is fit to study, they shall not be permitted to return to the College and a recommendation will be made to the Principal for exclusion.

The decision of the FSA will be communicated to the student in writing within 5 working days of the date of the decision made.

Appeals

A student shall have the right of appeal against the findings of the Fitness to Study Panel and / or against the determined outcome. No other person may appeal.

An appeal is lodged by the submission of a signed and dated statement from the student to the College Complaints Officer, which should be headed 'Statement of Appeal'.

A Statement of Appeal must be lodged within 10 working days of the date of issue of the Decision Notice.

The Statement of Appeal must be based on one or more of the following grounds:

- a material procedural irregularity in the way in which the Panel hearing was conducted, which might have impacted significantly on the validity of the initial concern and the subsequent outcome;
- new evidence that could not reasonably have been made available to the Panel, and can be expected to potentially have led the Panel to have made a different decision;
- that the outcome was inconsistent when the circumstances of the case and the treatment of other students in similar positions are considered.

The Complaints Officer, or their nominee, will identify an appropriate person to investigate the appeal. This will normally be a senior person within the College Management Team.

It should be noted that where an appeal is lodged against a recommendation by the Fitness to Study Panel for exclusion, this can only be considered by the Principal.

The appeal will be considered within 10 working days of receipt, or if additional information is required, the student will be notified of the need for an extension to the time required to make a response to the appeal.

A student may withdraw an appeal at any time by giving notice in writing to the College Complaints Officer, who will issue formal notification of the withdrawn of the appeal; at this point the appeal shall be deemed to have failed and the matter will be closed.