

***WORCESTER SIXTH FORM COLLEGE***

**ADMISSIONS & HEALTH  
SUPPORT AND FITNESS TO  
STUDY POLICY**

**SEPTEMBER 2018**



## **ADMISSIONS & HEALTH SUPPORT AND FITNESS TO STUDY POLICY**

### **Purpose**

Worcester Sixth Form College is committed to meeting the needs of all our students. We pride ourselves on the support and flexibility we are able to offer in providing programmes of study to best meet individual needs.

This policy sets out the principles and procedures for determining the admission of students applying to the College. The arrangements for full-time fee paying students and for adults whether full or part-time are covered in separate sections within this policy. It also aims to provide clarity and guidance regarding the procedures and assessment the College can undertake regarding a student's physical, emotional or psychological wellbeing and the reasonable adjustments that may be possible. It supports the College's other policies on Progression and Safeguarding and applies to both applicants and current students.

### **Monitoring**

Admissions data is monitored regularly by the Senior Management Team throughout the application cycle.

Monitoring of the admissions policy will be undertaken annually in the form of a report to governors each spring. This report will cover:

- Information on the number of student places being commissioned at the College for the following year.
- The current year's target and actual recruitment numbers.
- The proposed target maximum and minimum student numbers for the following year.

The governors' Quality Committee will assess progress towards the admission numbers as part of its routine monitoring procedures.

### **Review**

This policy will be reviewed annually by the Principal. Where significant alterations are intended it will be presented for approval to the Governing Body Quality Committee who will refer amendments to the full Governing Body as appropriate.

## **PART A: ADMISSIONS**

### **A1, Principles of Admission**

The College needs to control admissions in the interests of all its members and so that students may be successful in their studies. The following principles will therefore apply:

1. The College will encourage admissions from all sections of the community.
2. It will admit students to an agreed target maximum number set in the spring of each year and applicable to entry for the following year.
3. Should the target maximum student number look likely to be exceeded, an order of priority according to 'criteria' set out below will apply.
4. Admission to individual courses will continue until they are at their agreed capacity.
5. Individual courses will be withdrawn at any time up to the point at which their teaching commences if there are insufficient enrolments for them to be viable.
6. Students will be admitted when it is established that:
  - they meet the residential and legal requirements for free education in the UK
  - a suitable programme of study is available
  - their application is supported by their previous school, college or appropriate body
  - their admission is judged to be in their own interests and that of the College as a whole
7. Students will be admitted to courses when it is established that:
  - they meet the academic entry requirements for the course or subject
  - they have the requisite skills, aptitude or other personal qualities specified for each course or subject
8. When over-subscription for College or course admission occurs, criteria for priority will be applied as shown below.
9. There will be equality of opportunity for students to apply to the College and its courses and no forms of discrimination will be applied other than those identified above.
10. Where a student will be under 16 when they start at College, due regard will be given to the School Admissions Code on enrolment and School Admissions Appeals Code if they wish to appeal.

### **A2, Education Health Care Plans**

If the College is named as the preferred named post-16 provider on an Education Health Care Plan, the College will:

- consider the request in consultation with the Learning Support Manager and the Principal.
- request a reference from the student's current educational provider as soon as notification is received from the Local Authority.
- Contact the SENCo of the current educational provider and caseworker to discuss feasibility of a potential placement.

The Learning Support Manager will liaise with the Deputy Principal to advise on whether College are able to offer a suitable place and meet the specific educational needs of the student. The College will respond to the request by the date specified either by post or email.

If a request is successful the caseworker will be notified and, within the response, the College will consider the potential cost of the support that is required. Please note that the student is still required to complete an online application. It is essential that the support

needs are disclosed within the application to enable the admission interview to be conducted with either the Learning Support Manager or Assistant Learning Support Manager.

If a request is unsuccessful, the caseworker will be notified and given a detailed explanation of the decision made.

### **A3, Course Entry Requirements**

Course entry requirements apply at different levels and for different subjects. They are set out in detail in the Prospectus which describes the qualifications or aptitudes which are essential or desirable in each case. In broad terms requirements are:

(i) Academic Qualifications: Level

<b>Level</b>	<b>Programme</b>	<b>Usual Requirements</b>
<b>Level 3 Extended Programme</b>	<b>3 or 4 A Level subjects plus Extended Project Qualification in Year 2</b>	<b>5 or more GCSEs at grades 7, 8 or 9</b>
<b>Level 3 Programme</b>	<b>3 A Level subjects or vocational equivalent or mix of A Level and vocational qualifications</b>	<b>4 GCSEs at 5 or above including Maths and English GCSE at grade 4 or above</b>
<b>Mixed Level Programme</b>	<b>2 A Levels plus GCSE or vocational equivalent</b>  <b>In some instances it may take a student on a mixed programme 3 years to gain 3 A Levels or equivalent.</b>	<b>4 GCSEs at grade 4 or above (including Maths or English)</b>
<b>Three Year Programme</b>	<b>4 GCSEs (including Maths and/or English as needed at end of year 1) or 3/4 vocational qualifications or vocational qualification and GCSE. Then 3 A Levels or equivalent vocational qualifications at the end of the third year.</b>	<b>4 GCSE's at 4 or above but not Maths or English Language or fewer than 4 GCSEs at grade 4 (but no fewer than 2).</b>  <b>Or exceptional circumstances e.g. home education.</b>

If students are still unsure about their subject choice, they can choose to try out a fourth subject for the first few weeks before they make a decision. Enrolment on four full A Level courses will need to be agreed.

Where students follow mixed programmes of academic and vocational subjects then the course entry requirements will be applied as appropriate for the breadth and difficulty of the chosen course.

Individual arrangements will be made with home educated students.

#### (ii) Academic Qualifications: Subject

Students will usually be required to have gained at least a grade 4 in a subject they studied at GCSE and wish to study at Advanced Level. In some cases requirements might be higher, for example to study Further Maths, students must achieve a grade 7, 8 or 9 in GCSE Maths. In some instances subjects may require a number of GCSE's at grade 4 or above.

All A Level students will study either Core Maths or Supported Study in their first year (one lesson per week) and Supported Study in their second.

#### (iii) Students with Marginal Qualifications for Advanced Level

Where a student is only marginally qualified, as a result of a relatively low number of GCSE's and/or average GCSE score, to begin an Advanced Level course, particular rules of entry to courses apply (see above). For students choosing A Levels it may be necessary for them to follow a programme of 2 or 3 A Levels possibly alongside Level 2 courses.

#### (iv) Other Characteristics

Some courses or subjects will require particular skills or aptitudes not necessarily evident through GCSE qualifications, for example the willingness to perform in certain Performing Arts courses and to be able to play a sport competitively where this is a practical requirement of a PE course.

In National Children's Play, Learning and Development vocational Level 2 or 3, it is a requirement that students can work with children safely and effectively and to enable them to demonstrate this through the work experience component. They will need a DBS enhanced disclosure certificate which shows they are fit for work of this kind.

### **A4, Criteria for Priority for Entry to the College**

The College will publish a 'recommended application' date. A date will also be set prior to Induction, to facilitate processing for Induction, beyond which applications will be considered late. If it is necessary, to avoid exceeding the target maximum student number, to apply criteria to restrict admissions prior to this date the following order of priority will be used (NB: these criteria will only apply for a first application and not for readmission):

1. Students with an Education Health and Care Plan who have been referred to the College by a Local Authority and for whom the College has agreed that it can make appropriate provision.
2. Students who have attended one of the College's designated partner schools.
3. Students who have a sibling who has previously attended the College and completed their course.
4. Students will otherwise be accepted in the chronological order of their application.

The College reserves the right to make exceptions to these criteria for priority for entry where exceptional compassionate grounds for admission have been established.

After the published date for late applications, students will be admitted in order of receipt of applications, subject to there being space on the particular combination of courses requested. Alternative courses on which there is space may be offered.

### **A5, Admissions Procedures**

Decisions regarding admissions will be determined in the following sequence:

- Target maximum and minimum student numbers will be set in the spring term once funding allocations are known. This also involves evaluation of the current level of enrolments at the College and the likely number of students staying on to the second year of their course.
- The application cycle will begin in September.
- Applicants will be accepted and offers of places made until the level of acceptances indicates that the target student number will be reached.
- At this point applicants will be offered places according to the order of priority set out above. Other applicants will be placed on a waiting list and will only be offered places if the College's maximum admission number looks likely not to be exceeded.
- Students who apply after the date of summer induction will only be admitted if there are still places within the maximum student number, allowing for a typical conversion rate of applications to enrolments.

### **A6, Reasons for Refusal of Admission**

Whilst the College wishes to maintain its open access policy and the tradition of providing a second chance to those who are serious about refocusing their education, it has to maintain standards that enable teachers to teach effectively and students to study successfully in a post-16 environment. In addition the College has a duty of care to both staff and students and a responsibility to safeguard and protect students; in particular those under 18 and vulnerable adults.

Reasons to refuse admission include:

- Students who are under age and do not have the maturity to participate satisfactorily in a post-16 College.
- Misrepresentation of personal information on the application form or at interview or through some other admission procedure.
- A past record that implies the applicant is unlikely to benefit from the courses or educational experience on offer and where there is little other evidence that the applicant would be likely to benefit.

- Students with special needs where reasonable adjustments would not be sufficient to enable effective completion of the chosen course.
- Students whose qualifications do not permit them access to a full-time programme.
- Students whose presence at the College has been demonstrated to pose a risk to others or to College property.
- Students whose criminal record significantly limits their chances of success on their chosen programme/course.
- Students who have been permanently excluded from school and who fail to declare this on their application or during interview may have their offer of a place at College withdrawn.

#### **A7, Procedures for admission of students and potential students with criminal records**

The following procedures exist to ensure that applicants with criminal convictions are given every opportunity to benefit from the courses the College offers, whilst maintaining the College's duty of care to do everything reasonable to provide a safe and secure environment.

- a) All applicants are asked to disclose whether they have relevant criminal convictions, reprimands, final warnings or pending prosecutions.
- b) Those who disclose are given information on the procedures which will be followed.
- c) On disclosure, an applicant will be asked to give further information to a Risk Assessment Panel. All such further details will be dealt with sensitively and discreetly and will be held securely.
- d) A Risk Assessment Panel will undertake an initial assessment of risk. The Panel will usually consist of the Deputy Principal and one other manager or course leader.
- e) The Panel may consult other agencies.
- f) One of three decisions is likely to be reached and the outcome will be communicated to the student in writing
  - the application continues with no additional conditions
  - the application continues with conditions attached
  - the application is rejected
- g) Applicants, where appropriate, may be requested to complete a DBS.

The College will work with other agencies, as appropriate, either to inform the risk assessment and/or to provide appropriate support for the student once they have enrolled.

#### **A8, Adult Students**

An adult student is defined as being over the age of 19 at 31<sup>st</sup> August prior to their enrolment.

Full-time adult students may access any part of the daytime curriculum they can follow an Access to Higher Education Course.

Daytime adult students, whether full or part-time, will also be included in the maximum admission number. Their applications will be treated in the same way as full-time 16-18 year old students in terms of the applicability of admissions criteria and procedures, including declaration of criminal convictions.

The College offers a full Information, Advice and Guidance interview to every adult learner applying for a full-time or part-time course at the College. Adult applicants for full or part-time day courses receive this as part of the pre-course interview.

Evening classes recruit until the course reaches capacity and where no additional provision can be made students are placed on a waiting list in the chronological order in which they applied.

### **A9, Appeals against Refusal of Admission**

- Written confirmation of a refusal of admission will contain notification of the right of appeal. All appeals against refusal of admission should be made in writing giving grounds for appeal.
- A request in writing within ten working days of the College's notification of refusal must be received by the Principal, from the student if over 19 years and from the parent(s) or guardian(s) of a student if under 19 years.
- The appeal will be determined by the Principal whose decision will be final.

## **PART B STUDENT HEALTH SUPPORT AND FITNESS TO STUDY**

### **B1, New Applicants**

Applicants to the College are encouraged to disclose health issues when completing their on-line application. During their interview they are also given the opportunity to disclose any



health needs, or discuss any disclosures already made, so that an initial assessment of the impact, support or implication on the appropriateness of their proposed programme of study can be made.

Applicants may be invited to a subsequent meeting so that additional assessment and discussion of the support and adjustments that may be appropriate can be considered. When this occurs further information may be sought from health professionals. Early disclosure of the concerns an applicant has about their medical needs will always be treated sensitively and offers the best opportunity for the College to help. An assessment at this stage would not normally preclude a student's admittance, except where it clearly indicates that the College does not have suitable resources to meet their needs, or where supporting evidence strongly indicates that they are not well enough to meet the demands of an advanced level programme of study.

If an applicant does not disclose clearly on their application form any pre-existing health issue that affects their ability to meet the requirements of their chosen programme of study once enrolled, it may not be possible to offer appropriate support, or make the same adjustments that otherwise might have been available to them.

## **B2, How support is provided**

The College has four main points of support for all students:

Pastoral Tutors and their Head of Year

Student Services which includes the College's Counselling Service

Learning Support

The Safeguarding team

(a) All students are allocated to a personal tutor who will provide information through the tutorial curriculum about health support within the College and other outside agencies. In addition they are offered regular one to one appointments to discuss any issues that may be troubling them. Onward referrals may sometimes be made at this point.

(b) Referrals and support

The type of referral and/or adjustment made to a student's programme of study will depend upon the nature and severity of their health need. In many cases tutors are able to help by intervening directly and liaising with teaching staff and parents on the student's behalf. A tutor may, for example, provide a point of collation to enable work to be sent home. Alternatively this might simply involve sharing information so that suitable adjustments can be made to the learning environment, the teaching method or style, or the timing and method of assessment, such as coursework or homework deadlines. The College recognises that illness may place significant pressure on a student and may affect their ability to meet assessment deadlines in the short-term.

Instances where students suffer from more severe health needs might be referred directly to a Head of Year. Examples of this might be where health needs have resulted in prolonged or repeated periods of absence, or have had a significant impact on academic progress. At this

stage, with the student's permission, advice from other agencies may be sought, such as a GP or CAHMS, or wherever the main responsibility for the student's medical support lies.

(c) Adjustments to programmes of study

Changes to a student's programme of study after enrolment on health grounds must be made by a Head of Year, or member of the Senior Management Team. In some cases a Head of Year may alter a student's timetable in order to make the College day more manageable. However, beyond a fixed date, usually six weeks after the student's first date of enrolment, supporting medical evidence is usually necessary before withdrawal from, or modification of, a course can be considered. Evidence is more valuable where a plan for support and recovery by the health professional involved is included. In reaching a decision factors such as the extent of the health need, the expected time frame (where known), its stability and the impact on progression and life chances may be considered. In general, however, adjustments may only be made whilst there remains some educational benefit or progression route to be gained from it. It may not be possible to make further adjustments to a student's programme of study where an unreasonable demand is made on the resources of the College.

(d) Student health support and monitoring

The College aims to provide full support to all its students' health needs. Cases of ill-health are recorded as they present and appropriate assessment of any adjustments or support that may be made are considered at this stage. Progress against key targets is then measured and reviewed periodically and action plans put in place by staff to assist the student in their achievement. Student performance is periodically reviewed and communicated with parents and if significant concerns arise a letter will be sent home and parents will be invited into College to discuss them.

(e) Student absence due to health issues

All students who have informed the College of absence due to illness for a prolonged period of time are subject to the conditions of the College's Attendance and Punctuality Policy and would be expected to attend a return to College meeting with the student's tutor when they are next fit and able to do so. Where this is recurrent, appropriate intervention or support may be offered and if attendance continues to fall below an agreed and expected level the tutor is likely to invite the student's parents to a meeting to discuss the student's health needs. Subject progress advice will usually be sought at the time. In some cases, particularly where absence had been prolonged due to significant health issues the tutor may refer to a Head of Year to consider additional adjustments, such as a phased return to classes. Agreements regarding attendance and completion of assessed work may be made more formally in writing at this stage.

### **B3, Fitness to Study Assessment and Case Review**

Where illness is likely to be long-term, and/or the current level of support offered has been unsuccessful the student's Head of Year will conduct a Fitness to Study assessment with the student. The assessment will form part of a Case Review with the student and their parents where the findings of the assessment can be discussed and agreed. The object of the Case Review is to consider the impact the student's current health needs and/or absenteeism is

likely to have on their educational success over a prolonged period of time (usually the remainder of the academic year), and any additional support or adjustments that might be relevant.

The usual outcome of the Fitness to Study assessment and Case Review meeting will be a set of agreed minimum standards of achievement required for academic or vocational success, such as levels attendance and assessed learning which are believed to be realistically achievable, and maintainable. The Fitness to Study assessment will normally include the advice provided from relevant parties, particularly those staff involved in delivering the student's subjects and will help form a judgement of the required outcomes. The outcomes will be recorded and shared with all relevant parties such as parents, tutors and teaching staff following the Case Review.

A possible outcome of a Fitness to Study case review may be that the health needs of the student do require further absence and that this should be supported by the College. In such circumstances the length of absence must be agreed and recorded together with the action agreed by the student and parents, and the Case Review left open. It should be noted that the nature of the College's course provision primarily takes place within the classroom, and therefore when students are absent for extended periods, even when they are well enough to engage in some learning activities at home, it may not be possible for them to successfully complete their study programmes.

#### **B4, Risk Assessment**

At any point, when a student's health needs lead to concern about their own safety, or the safety of others, they must attend a meeting with a member of the Safeguarding team, usually upon their return to College and before they resume their attendance in lessons. This may occur for instance upon a student's return to College following absence due to severe or significant illness. In this meeting a risk assessment will be carried out and the views of other health care professions may be sought.

#### **B5, Withdrawal from College**

Under the Fitness to Study policy a student may be asked to withdraw themselves from the programme of study they are currently enrolled upon for the remainder of the academic year and/or for the following academic year where:

- The outcome of the Fitness to Study assessment concludes that no further adjustments are reasonably possible and that the student is unlikely to derive educational benefit from the courses they are studying. In most cases an assessment of whether their academic/vocational progress is above pass level will be used to determine this.
- They fail to meet the agreed outcomes from the Fitness to Study assessment.
- The Fitness to Study assessment concludes that the net effect of continuation with their studies may be detrimental to their health.
- The outcome of the risk assessment is that the College cannot reasonably ensure the student's own safety, or the safety of others.

When a student withdraws from College support from a Careers' Advisor and advice about wider community services will be offered.

### **B6, Fitness to Study and Case Review Hearing**

Where agreement about the outcomes of the Fitness to Study Case Review cannot be reached, or where these have not been achieved but the request to withdraw from College has not been agreed to, the case will be referred to a member of the Senior Management team for a Fitness to Study Review Hearing. In this hearing the evidence of the concerns about the student's health will be made available to the student and their parents and they will have the opportunity to respond and put forward their case. The outcome of the hearing may be that the student is withdrawn from College on health grounds and this decision may only be made by the Principal or Deputy Principal. In reaching a decision whether to withdraw a student on health grounds the Principal or Deputy Principal will determine matters of fact 'on the balance of probabilities' based upon the information provided to them at the hearing. Additional supporting medical evidence may be disclosed at this time. If the decision is taken to withdraw the student on health grounds, the reason(s) for this will be notified to the student and confirmed in writing to parents/guardians. The right to appeal will be clearly explained in the letter and the policy and procedure provided as necessary. Students over the age of 19 years may be informed directly without recourse to their parents/guardians. The same right of appeal will apply.

### **B7, Restarting at College following ill-health**

In many cases students that have previously withdrawn from College as a result of their health needs will be given the option to re-start their studies when they are fit to do so, usually the next academic year. In this instance they will be asked to complete a review of their Fitness to Study assessment as part of their new applicant interview process. In this assessment the College will be looking for reassurance that they have been pro-active in their recovery programme and for supporting evidence from a suitable health professional of their current fitness to study and resilience to meet the rigours of the programme of study they are applying for. The College will also use the Fitness to Study assessment to consider any further adjustments that may seem appropriate at the time, such as a phased return. The College reserves the right to make a conditional offer of a place based upon the satisfaction of conditions that are agreed before Course Confirmation.

### **B8, Confidentiality and fairness**

This policy is written to comply with the Equality Act of 2010, The Children and Families Act 2014, Data Protection Act 1998 and GDPR legislation 2018. All of the support and decisions made within it aim to comply with the law of natural justice. In all cases the permission of the applicant/student will be sought before any personal information is shared with an outside body, except where it may include disclosure of criminal activity, indicates significant threat or harm to life, or where other safeguarding concerns emerge.

### **B9, Appeals Procedure**

Written confirmation of withdrawal from college under the Health Support and Fitness to Study policy following a Review Hearing will contain notification of the right of appeal. A request in writing within ten working days of the College's notification of withdrawal must be received by the Clerk to the Governing Body, from the student if over 19 years or from the parent(s)/guardian(s) of a student if under 19 years, for an appeal to be heard.

This written request must state:

- (i) The ground(s) for the appeal;
  - Failure to follow college procedure, or
  - There was prejudice or bias on the part of the decision maker, or
  - The decision was unreasonable and /or disproportionate, or
  - New material evidence has become available which was not previously reasonably available during the withdrawal process, and
- (ii) The reasons for the appeal; and
- (iii) The remedy sought.

(See Appendix F for an Appeal form).

In the case of an appeal against the withdrawal of a student on health grounds, or refusal of re-admission, the Panel will consist of two governors and the Chair of the Student Appeal Panel.

The date set for the appeal hearing will be notified to the student, and his/her parents/guardians if under the age of 19 years, and they will have a right of attendance to express their views.

The decision of the Appeal Panel will be final.

A successful appeal against withdrawal on health grounds may result in the students' reinstatement.

NB, The procedure for appealing against refusal to (re)admit a student who has applied to be admitted after withdrawing from College (whether in relation to their fitness to study or for other reasons) is outlined in section A10 (above).

**The procedure for Student Withdrawal Appeal Panel hearings is set out in Appendix B.**

Complaints to the Education and Skills Funding Agency (ESFA)

Following an unsuccessful appeal against withdrawal on health grounds a student may make a complaint to the ESFA against the College. Any such complaint is not a further stage of appeal but an enquiry to determine whether the College has correctly followed its own procedures.

The College will advise a student that has been withdrawn on health grounds of this complaint procedure at the same time as they are notified that their appeal has been unsuccessful.

## APPENDIX A

### RESTRICTED CHOICES OF ADVANCED LEVEL SUBJECTS

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Student choice is restricted in some subject areas because:

1. It is widely seen as desirable to broaden student programmes of study. A wider range of knowledge and skills is seen as better preparation for an unknown future.
2. The degree of overlap between some subjects devalues the results achieved in both.
3. Even where subject skills and content are different their similarity of background or subject name will cause employers and HE selectors to regard them as insufficiently different to count separately.

#### **Art and Design**

Students may choose up to TWO of the following at A Level:

- Art and Design (Fine Art)
- Art and Design (Textiles)
- Art and Design (Graphics)
- Art and Design (Photography)

They would not normally be advised to study more than one of these at A Level if doing 3 or fewer A Level subjects.

#### **Business Studies and Related Subjects**

Students may choose up to TWO of the following at Advanced Level:

- Accounting
- Business Studies (either A Level OR Vocational)
- Economics

## **English and Media Courses**

The combined English Language and Literature course may not be studied with either of the other English courses.

Otherwise, students may choose up to TWO of the following at AS Level:

- English Language
- English Literature
- English Language and Literature (combined)
- Media Studies
- Film Studies

In exceptional cases students may study three with agreement from a Head of Year.

Students who wish to study both English Language *and* Literature OR Media Studies *and* Film Studies are advised to discuss their choices with the Department and to seek advice regarding progression to Higher Education.

**Computer Science and IT Vocational Level 3** (Students may choose only ONE of these).

**Modern History and Stuart History A Level** (Students may choose only ONE of these).

A Level and Vocational Law (Students may choose only ONE of these).

**Sports-related Courses:** Students taking Vocational Level 3 Sport MAY NOT also take PE A Level.

## **APPENDIX B**

### **STUDENT WITHDRAWAL ON FITNESS TO STUDY HEALTH GROUNDS APPEAL PANEL**

#### **1. Membership**

- 1.1 The Panel shall comprise at least two members of the Resources Committee and the Chair of the Student Exclusion and Suspensions Appeal Panel as appointed by the Governing Body.
- 1.2 Staff governors and student governors may not sit on the Panel. In addition, no person may sit on the Panel who has any interest in its findings or who has been involved in any way in the Fitness to Study assessment or Case Review leading up to the reference of the particular matter to the Panel unless it is reasonably impracticable to avoid.
- 1.3 The Chair of the Panel will be selected by the Governing Body for a period of up to 4 years, and will be eligible for reappointment.
- 1.4 The quorum for meetings of the Panel shall be three members.
- 1.5 The Panel shall convene a meeting as soon as practicable after a reference to it and shall give the appellant at least 5 working days' notice of the meeting.
- 1.6 The Clerk to the Governing Body shall act as Clerk to the Panel.

#### **2. Terms of Reference**

- 2.1 To examine the case for an appeal against withdrawal on health grounds/fitness to study, to determine the correct response if appropriate, and to make recommendations to the Governing Body as the Panel considers fit.

To give the appellant the right to make representations. The representations, which may be made in writing, may also be made orally, for which purpose the appellant may be accompanied their parent(s) and one other representative or friend.



2.3 The Panel will follow the procedures approved by the Governing Body.

### **3. Delegated Powers**

3.1 Authority to examine the case for an appeal against a withdrawal on health grounds/fitness to study.

3.3 Authority to re-instate the student, if appropriate.

### **4. Appeals Panel Procedure**

4.1 Following the decision to withdraw the student on health grounds, or refusal of re-admission, the student or his/her parents or representative shall then notify the College in writing within ten working days if they wish to appeal the decision. When writing to notify the College of the intention to appeal the appellant or his/her parent or representative must state the grounds for the appeal.

4.2 The College shall set a date and time for the appeal hearing within five working days of receipt of the written request for an appeal hearing.

4.3 The appellant and his/her representative will be given five working days notice of the date and time when the appeal will be heard and where it will take place. With the agreement of the appellant and his/her representative the appeal can be held earlier. At their request it can be deferred by up to one week.

4.4 The names of those who are to present evidence to the appeal panel or represent either side shall be notified to the other party no later than three days before the hearing is held. The appellant must attend the hearing. A student can be accompanied by his/her parent(s) and one other friend or representative.

4.5 The Chair of the Panel shall determine who, if anyone, shall give evidence. Supporting evidence relating to the appellant's health need may be given in writing and where this is appropriate it must be signed and dated.

4.6 The Chair of the Panel shall determine the admissibility of papers presented at the hearing.

4.7 The Chair of the Panel shall call in both parties, introduce them and state the purpose of the appeal. The Chair will remind both parties that the proceedings shall remain confidential until a final decision has been taken.

4.8 The case against the appellant will be presented first in the presence of the appellant and their parents or representative. The appellant and their representatives will have the opportunity to ask questions of the College staff. Members of the Panel may also ask questions of College staff.

4.9 The appellant and their representatives will then put their case in the presence of the College staff who will have the opportunity to ask questions of the student and their representatives. Members of the Panel may also ask questions of the appellant and their representatives.

4.10 Each side in turn will have the opportunity to sum up their cases if they so wish.

- 4.11 The Chair of the Panel will then ask both the College staff and the appellant and their representatives to withdraw. The Panel will consider the case in private.
- 4.12 The Panel shall determine matters of fact 'on the balance of probabilities' based upon the information provided to them at the hearing.
- 4.13 The Panel may confirm, vary or dismiss the withdrawal on health grounds/fitness to study decision that has given rise to the appeal.
- 4.14 The Panel will announce its decision to the parties in writing within five working days.
- 4.15 The Chair of the Panel has the right to exclude from the proceedings any of those participating in the hearing if they behave unreasonably or disregard the instructions of the Chair.
- 4.16 The notification times identified in these procedures are for guidance. Where either party cannot adhere to the times identified, variations can be agreed with recourse to a ruling by the Chair of the Panel if there is no agreement.
- 4.17 Legal representation will not (normally) be permitted at appeal hearings. If an appellant or their parent(s)/guardian(s) lack the capacity to present their case, a non-legal representative may be permitted for this purpose at the discretion of the Chair of the Panel.
- 4.18 When the appellant has exhausted the College's appeal procedure the appellant has the right to make a complaint to the Education and Skills Funding Agency. A complaint to the ESFA is not a further stage of appeal. The ESFA does not hear evidence or seek to substitute its own decision for that of the College.

## **APPENDIX C**

### **GLOSSARY OF TERMS**

#### **Fitness to Study assessment**

An assessment to determine whether the student or applicant is likely to be sufficiently medically resilient in order to meet the demands of the course(s) or programme of study either applied for, currently enrolled upon or intending to progress onto.

#### **Risk assessment**

An assessment of the risk of harm the applicant or student may place themselves, or others, at as a result of their attendance at college, or in pursuing the course(s) or programme

**APPENDIX D**

**FITNESS TO STUDY ASSESSMENT**

<b>Fitness to Study Case Review</b>	
<b>Name:</b>	<b>Date:</b>
<b>Case background:</b>	
<b>Supporting Evidence:</b>	
<b>Recommendation/ outcomes:</b>  •  •  •  •	<b>Agreed</b>

<p>I agree to the outcome of the review meeting</p> <p>Student Name:</p> <p>Signature:</p> <p>Date:</p>	<p>I agree to the outcome of the review meeting</p> <p>Staff Name:</p> <p>Signature</p> <p>Date:</p>
<p><b>Future review date:</b></p>	

Context :				
Potential Hazard and identification of risk	Risk Rating	Control measures to minimise risk	Residual Risk Rating Acceptable/ Unacceptable	Review
<i>How the student may place themselves at risk in the future</i>				
1	High	<i>Detail of the action(s) to be taken</i>	<i>Acceptable</i>	<i>Remains Acceptable</i>
2	Medium			
3	Low			

This is a risk assessment to support xx's Fitness to Study in College. It will be reviewed by College staff and updated as necessary. This risk assessment will need to be shared with Learning Support Manager, Tutor, Head of Year, Parent

Signed

Student

Signed

Date

Date

## How to appeal against a withdrawal from College on health grounds/Fitness to Study Hearing

Written confirmation of withdrawal from College on health grounds/fitness to study will be sent to a student and/or their parent/guardian will contain notification of the right of appeal.

An appeal against withdrawal on health grounds must be submitted to the College in writing within ten working days of the College's notification of withdrawal signed by the student if over 19 years or from the parent(s)/guardian(s) of the student if under 19 years, for an appeal to be heard. The written request for an appeal must state the ground(s) for the appeal and the remedy sought.

An appeal against withdrawal on health grounds will be heard by a Student Withdrawal on Health Grounds/Fitness to Study Appeal Panel. The panel will consist of two governors (if possible drawn from the membership of the Resources Committee) and the Chair of the Student Withdrawal on Health Grounds Appeal Panel.

The date set for the appeal hearing will be notified to the student, and his/her parents/guardians if under the age of 19 years, and they will have a right of attendance to express their views.

The decision of the Student Withdrawal on Health Grounds/Fitness to Study Appeal Panel regarding an appeal will be final. The procedure for Student Withdrawal on Health Grounds/Fitness to Study Panel hearings is set out in Appendix 1 of the Student Health Support and Fitness to Study Policy.

If you are still not satisfied with the outcome of your complaint or the procedures followed, you can take the matter further by completing the online complaints form on the Department for Education website ([www.education.gov.uk](http://www.education.gov.uk)).

***A full copy of the Admissions and Fitness to Study Policy and Student Conduct Policy is available from the College Reception on request.***

**APPEAL FORM**

You do not have to use this form but if you do it ensures we get the information we need to consider your appeal;

Name: .....

Address: .....

.....

.....

Tel: .....

Email: .....

Relationship to the College, eg. student, parent/guardian:

.....

**Please answer questions a and B below**

A. What are the grounds for your appeal?

*Please select one or more of grounds specified below 1-3 (✓ )*

1. The College failed to follow procedures set out in the college Student Health Support and Fitness to Study Policy. ( )

Please describe in what way the College failed to follow procedures:

.....

.....

.....

*(Please continue on a separate sheet if necessary)*

2. There was prejudice or bias on the part of the decision maker. ( )

Please describe in what way there was prejudice or bias:

.....

.....

.....

3. The decision was unreasonable and /or disproportionate. ( )



Please describe in what way the decision was unreasonable and/or disproportionate:

.....  
.....  
.....

B. What result or outcome do you want from your appeal?

.....  
.....  
.....

Signed ..... Date .....

Please send this form to: the Clerk to the Governing Body Worcester Sixth Form College, Spetchley Road,  
Worcester WR5 2LU or leave it at College Reception.