



HEALTH & WELLBEING POLICY

Updated May 2023
Approved by the Principal

This policy refers to and should be read in conjunction with the following policies:

- Supporting Learners with Medical Conditions Policy
- General Data Protection Regulation Policy
- Safeguarding and Child Protection Policy
- Complaints Policy

1. Purpose

- 1.1 The purpose of this policy is to ensure that Big Creative Academy adheres to its legal obligation and social responsibilities, in relation to the health and wellbeing of its learners and staff.
- 1.2 The Academy is committed to improving the health and wellbeing of all learners and staff. The importance of providing a learning environment that promotes health, safety and wellbeing is enshrined in the Academy's values and strategic plan. We will promote opportunities for learners and staff to thrive and benefit from their learning or employment experience.
- 1.3 Students and staff are encouraged to disclose any health conditions/difficulties or issues to the Academy, either pre- or post-admission, in order to enable the Academy to make reasonable adjustments to meet their needs and enhance their learning or employment experience (see also Supporting Learners with Medical Conditions Policy). The information will be treated in such a way to ensure that the Academy's guidelines on confidentiality are maintained.

2. Scope

- 2.1 Big Creative Academy is diverse and includes full and part time learners, on a range of courses, as well as apprentices and work-based learners. The Academy is committed to improving best practice, throughout the organisation, and ensuring that the health and wellbeing of learners is embedded into the delivery of programmes, enrichment activities and general services.
- 2.2 This means that learners are encouraged to be physically, mentally, emotionally and sexually healthy, lead healthy lifestyles and choose not to misuse drugs, alcohol and illegal substances.
- 2.3 Big Creative Academy has a diverse workforce and is committed to ensuring that we maintain a healthy and safe environment and support the physical and mental health and wellbeing of staff during their employment.

3. Responsibility and Authority

3.1 Responsibility for the health and wellbeing of all learners and staff whilst at the Academy rests with the Principal.

4. Definitions

4.1 Big Creative Academy has a duty of care to ensure that students are fit to study their chosen programme. A review of a student's fitness to study may need to be undertaken in situations where students show visible signs of illness, mental health difficulties, or emotional disorders that may have a negative impact on the health, safety, learning and wellbeing of the student and others. These may include:

- Where there are a number of concerning reports regarding a student, from a third party e.g. another student, friends or teaching staff
- A student has not engaged in studies for a significant period
- Where there is concern about how a student might manage whilst on placement or a field trip

4.2 Reviewing fitness to study promotes good working practices with students in difficulty or with impairment. It also provides guidance to ensure that problematic situations are managed sensitively and consistently. The guidance below outlines the procedures necessary to respond swiftly to those occurrences when a student presents as unwell and his/her ability to study may be compromised.

5. Fitness to Study Guidelines

5.1 These guidelines:

- (a) Clarify a suitable response by curriculum and support staff in circumstances where it is not considered appropriate to apply disciplinary procedures. This may arise when a student's behaviour requires considered and sensitive management rather than disciplinary sanction.
- (b) Recommend a co-ordinated approach to the management of a situation where mental or physical health:
 - may not permit a student to benefit from the educational opportunities afforded to him/her at a particular time or
 - is adversely affecting the student experience of others or
 - requires support at a level that has extended well beyond that which can reasonably be expected of the Academy.
- (c) Consider the appropriateness of referring a student onto other agencies.

5.2 This procedure has three levels of concern. The cause for concern can result in entering the procedure at any level, although it is hoped that most situations can be remedied by action taken at Levels 1 or 2. Concerns about a student's health or behaviour should be acted upon promptly. Early action/intervention can often prevent a situation from developing into a crisis.

5.3 If there are concerns about student confidentiality, staff members can consult with members of the student support team without revealing the student's identity. If it is then agreed that there exists a significant degree of concern, the senior management team will direct the Academy's response to the situation.

Level 1

Concerns emerge about a student's health and safety and ability to study based upon deterioration in health, appearance, attitude or behaviour.

- (i) A member of staff who knows the student (e.g. tutor, lecturer) should approach the student in a supportive way and indicate that there is a concern about the student's fitness to study. The nature of the concern should be clearly identified and, if appropriate, information should be provided about support available through the Academy.
- (ii) The student and member of staff should agree on actions to be taken, and the student should be sent an email or letter within five working days summarising the meeting and the actions that have been agreed. The student and staff member should also set a time for a further meeting to review the situation. The email or letter to the student should clearly indicate the time and place of this review meeting. The student should also be informed that the same or additional causes of concern could result in their fitness to study being more widely considered by moving to Level 2.

NB: where there are safeguarding concerns letters should not be sent to the student home without their consent.

Level 2

Continued concern about a student's health and safety and ability to study related to a significant deterioration in appearance, attitude, health and/or behaviour or significant initial concern about a student.

- (i) The student will be invited to attend a meeting with the Director of Curriculum or Principal and the member of staff expressing concern. The student should be informed of the purpose of the meeting in writing at least 24 hours before the due date. A friend or family member or other appropriate mentor may accompany the student. Students with disabilities may also be accompanied by a support worker as appropriate to their needs.
- (ii) The purpose of the meeting will be to ascertain the student's perception of the issues identified and also to ensure that the student clearly understands the Academy's expectations regarding fitness to study. It will be important to identify and agree an action plan following the meeting. The consequences of not adhering to the action plan should be clearly outlined to the student. A short summary of the meeting, the agreed action plan and the consequences of non-compliance should be sent to the student within three working days of the meeting. Regular review meetings should be set up with the student.

Level 3

The most serious level of concern can be reached either through progression from Levels 1 and 2 or directly if there are significant concerns about the health and safety of the student or to others.

- (i) A case conference will be called by the Principal to discuss an appropriate course of action. Members from the curriculum team and Support Services will be invited to attend. Notes should be taken at the meeting.
- (ii) The student will also be invited to attend, during the proceedings, and may have a friend or family member or mentor to accompany them for support. Students with disabilities may also choose their support worker.
- (iii) The case conference may consider various options including part time study, distance learning, additional support, a period of interruption or a recommendation for withdrawal of the student.
- (iv) The actions arising out of the case conference will be agreed, documented and circulated to all in attendance and to the student. All actions should have specific time frames where appropriate and adherence to such timeframes will be a condition of any re-entry to their course.

If the case conference considers that withdrawal or exclusion is the best course of action this must be approved by the Principal in accordance with the Exclusions Policy. A letter should be sent to the student informing them of the decision.

6. Returning to Study

- 6.1 Students should be informed of the procedures to be followed for returning to study as soon as possible.
- 6.2 Each student's case will vary depending upon the context and specific circumstances out of which the original concern arose. In all cases return to study will be dependent upon evidence of fitness to study and of appropriate support systems. In some cases medical evidence of the benefits of returning to study will be required. Evidence submitted must be from a recognised health worker such as a mental health professional, doctor or psychiatrist who has sufficient knowledge of the student and the demands of further or higher education in order to make an informed decision regarding return to study. In particular, specific reference should be made to the student's capacity to return to study.
- 6.3 The decision to allow return to study will be made by the Head of Curriculum & Quality or Principal in consultation with colleagues from the curriculum area and student Support Services. The senior management team must be assured of fitness to study, compliance with any conditions imposed, regulatory requirements, and the availability of support upon return.
- 6.4 A student's continued fitness to study is the responsibility of Big Creative Academy and the student should be monitored throughout the continuation of their studies. Regular review meetings should be arranged with the student's lead tutor so that student progress can be monitored and student support modified if necessary.
- 6.5 When return to study is not deemed to be an option and the student wishes to challenge this, the Complaints, Compliments and Concerns Procedure should be followed.

7. Data Protection Issues

- 7.1 All Academy staff are governed by the requirements of the General Data Protection Regulation (2018). Under this regulation, all data relating to a person's physical or mental health is regarded as sensitive, personal data. Big Creative Academy's General Data Protection Regulation Policy contains guidance on the use of sensitive information e.g. details about a student's mental health or condition and should be consulted by staff. In general, all personal data of a sensitive nature given to a member of staff by a student should be treated as confidential and should only be disclosed with the student's consent. Sensitive data, for the purpose of this policy, is deemed to be information given in confidence concerning, for example, a student's ill-health or disability, including mental health issues.

8. Confidentiality

- 8.1 In all cases where, in the member of staff's judgement, it would be in the student's best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the student's informed consent should be obtained where possible. It will be necessary to inform the student why there might be a need to disclose sensitive information, who will have access to this information, and the likely consequences of giving or withholding consent (e.g. additional support strategies such as reasonable adjustments including additional examination arrangements). Once consent has been obtained, it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the student.

8.2 If the student chooses not to provide their consent this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety
- When the student is at risk of serious abuse or exploitation
- When the student's behaviour is adversely affecting the rights and safety of others
- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed).

8.3 Staff should consult with the Designated Member of Staff for Safeguarding if they believe there is a need to break the commitment to confidentiality as per the Safeguarding and Child Protection Policy. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed.