



# **FITNESS TO STUDY POLICY AND PROCEDURE 2021-22**

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FITNESS TO STUDY POLICY AND PROCEDURE		
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Summary/Description:		
This document sets out the procedure for dealing with students whose fitness to study has been brought into question.		
<p><i>This document has been adapted with grateful thanks from Nottingham Trent College Fitness to Study Policy and Procedure (<a href="https://www4.ntu.ac.uk/current_students/document_uploads/186247.pdf">https://www4.ntu.ac.uk/current_students/document_uploads/186247.pdf</a>) and from University College London Fitness to Study Procedure (<a href="http://www.ucl.ac.uk/srs/academic-manual/c1/support-fitness/fitness">http://www.ucl.ac.uk/srs/academic-manual/c1/support-fitness/fitness</a>)</i></p>		
Feb 2021: <ul style="list-style-type: none"> <li>• 2.4. final bullet point – English amended to clarify meaning</li> <li>• Amendment of 8:1 and 9.2</li> <li>• Amended job titles</li> <li>• Amended <i>Roles Responsibilities, Policy Approval and Review</i> section to bring it into line with all other College policies</li> </ul>		

## **ALL NATIONS CHRISTIAN COLLEGE**

To train and equip men and women for effective participation in God's mission to His multicultural world.

### **FITNESS TO STUDY POLICY AND PROCEDURE**

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## **POLICY**

#### **2. PURPOSE OF POLICY**

- 2.1. Since All Nations Christian College understands that a student's wellbeing is closely linked to their academic achievement, their wider student experience and to their personal development, the college is committed to providing a supportive learning environment where the physical and mental health of our students is key. The College Fitness to Study Policy and Procedure is therefore concerned with a student's capacity to participate fully and satisfactorily as a student in relation to their academic studies and to student life generally.
- 2.2. Students are expected to take appropriate steps to manage their own health and wellbeing in order to fulfil their academic potential. This can include working with relevant agencies and support organisations. The Fitness to Study Policy and Procedure is complementary to other means of managing concern about conduct or academic progress where there is sufficient concern about a student's behaviour, attendance and/or academic progress.
- 2.3. This policy and procedure will apply in situations where a student's health, wellbeing and/or behaviour are felt to be impacting negatively on either themselves or on those for whom the College has a duty of care, i.e. all those who work or study at the College.
- 2.4. This document is intended to be used in situations where:
  - concerns arise over a student's perceived ability to continue or return to continue to study at the level and intensity of study required in spite of reasonable adjustments having been put in place;
  - students cannot study, work and live co-operatively and in close proximity with others as well as conduct themselves in a manner which does not impact negatively on those around them;
  - the College has been unable to balance the needs and rights of an individual student against the need to protect the wellbeing of fellow students and staff;
  - other internal procedures are deemed to be less appropriate or have already been exhausted.

- Where the help is sought by the student concerned.

### 3. LEGISLATIVE FRAMEWORK

This policy has been developed in accordance with the following regulations, policies and procedures. This list is not exhaustive:

- All Nations Christian College [Conduct, Conflict and Student Disciplinary Policy](#)
- All Nations Christian College Undergraduate Handbook
- All Nations Christian College Postgraduate Handbook
- All Nations Christian College [Learning Support Policy](#)
- All Nations Christian College [Equality and Diversity Policy](#)
- All Nations Christian College [Data Protection Policy](#)
- All Nations Christian College [Academic Appeals Policy](#)
- All Nations [Termination of a Student's Registration Policy](#)
- QAC Raising Concerns about Standards, Quality and Information Provided Procedure
- Prevent Duty Guidance: for higher education institutions in England and Wales
- QAA Quality Code: Part B: Chapter B4: Enabling Student Development and Achievement

### 4. SCOPE

This policy and procedure applies to:

- All students on any of the College programmes or courses.
- All students throughout their period of enrolment with the College, including those who are seeking a return to study and whose enrolment has previously been interrupted or suspended under this or any other policy.

### 5. POLICY

- 5.1. This policy and procedure aims to ensure that decisions about a student's fitness to study are made through a supportive process, after appropriate consultation and in the best interests of the student.
- 5.2. Students are encouraged to seek appropriate practical and specialist support to manage and, where possible, mitigate the matters which give rise to concerns actioned under this policy and procedure.
- 5.3. In considering a case of fitness to study, the College will not unlawfully discriminate because of the Equality Act 2010 protected characteristics of disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race (including colour, ethnic/national origin or nationality), religion or belief, sex (gender) and sexual orientation, nor face unwarranted discrimination on the grounds of age.
- 5.4. All matters considered under this policy and procedure will be dealt with according to the individual circumstances. Whilst seeking to ensure consistency of approach and application, the College reserves the right to vary from the prescribed procedure where it deems it necessary to do so in the interests of fairness and/or health and safety.
- 5.5. Where it is deemed appropriate or necessary, the College may implement an alternative policy and procedure instead of, or in addition to, taking action under this policy. These policies include but are not limited to: [Conduct, Conflict and Student Disciplinary Policy and Procedures](#), [Academic Misconduct Policy and Procedures](#), [Harassment Policy](#) and/or [Termination of a Student's Registration Policy and Procedure](#).

- 5.6. This procedure will be undertaken in a transparent manner. The student will be advised of the identity of the staff member dealing with the case (the Case Officer) and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the College consults about the case.
- 5.7. Prior to implementing this procedure, College staff are expected to consult the tutor with responsibility for Pastoral Care to ensure that the student's immediate support needs are adequately considered and to confirm the appropriateness of invoking this procedure.
- 5.8. The student should be encouraged to engage with the support services offered by the College and (where appropriate) external providers.
- 5.9. When commencing action under this procedure the Case Officer should ensure that the student is provided with a copy of this policy and procedure for reference.
- 5.10. When a Fitness to Study Case Panel meeting is called, in order to, for example, conduct a Level 2 Procedure, the Panel shall act according to its Terms of Reference. (See College Boards and Committees' Terms of References)
- 5.11. When a student is asked to attend a Fitness to Study Case Panel meeting, they are entitled to be accompanied or represented by another person, e.g. a friend, relative, their personal tutor, a health professional or learning support assistant/mentor. The 'friend' should be a member of staff or a student currently registered at the College, provided that the person chosen is not legally representing the student nor an advisor to the Case Officer or the investigation Panel.
- 5.12. The student, the student's friend, and the student's Personal Tutor (if they are not acting as Case Officer) can be present while the Panel receives the evidence and hears the case, but they must all withdraw when the Panel deliberates and considers its decision.
- 5.13. In the event that a student is unwilling or unable to attend a meeting or participate in any other aspects of the procedure, the College may still follow the procedure where it is reasonable to do so. The College may also deal with issues on the basis of written reports and/or statements in the absence of the student and/or their nominee. Any lack of engagement by the student will not be construed against them.
- 5.14. References in this procedure to steps/actions to be taken by specific College post holders shall be read as including reference to their nominees.
- 5.15. In order to avoid potential conflicts of responsibilities, other staff members may undertake tasks allocated to specific post holders.

## **6. USE OF PROCEDURE**

- 6.1. This procedure is to be used in the following circumstances:
  - Where a student exhibits behaviour that would usually be dealt with as a disciplinary matter but is considered to be the result of an underlying physical and/or mental health difficulty
  - The student's attendance record, academic sufficiency and/or behaviour are not satisfactory/acceptable, and this is believed to be the result of a physical and/or mental health difficulty
  - The student's behaviour is at risk of affecting negatively the teaching and learning activities of fellow students and staff and/or the spirit of studying, working and living cooperatively and in close proximity with others as well as of conducting themselves in a manner which impacts negatively on others
  - The student's behaviour presents a serious and immediate risk to self or others and/or the other's reputation.
- 6.2. The procedure is not intended to deal with:
  - routine cases of non-attendance

- academic insufficiency not affected by a physical and/or mental health difficulty
- straightforward cases of misconduct

## PROCEDURE

### 7. OVERVIEW

- 7.1. The procedure set out below comprises two distinct levels: Level 1 and Level 2. It also includes provisions for temporary suspension in situations that require immediate action (see section 11 below) and a process for appeal against decisions (section 12 below).
- 7.2. Level 1 will typically be utilised in response to initial (non-critical) concerns about a student's fitness to study, with the intention of seeking a successful resolution of the matter at that level through low-key/informal interaction with the student.
- 7.3. However, depending on the nature/severity of the concerns and the student's own response to the situation, the procedure may be initiated directly at Level 2 without any requirement for Level 1 to have been commenced or exhausted.

### 8. LEVEL 1 PROCEDURE: INITIAL CONCERNS

8.1. When concerns are raised about a student's fitness to study, the Vice-Principal (Academic) will liaise, depending on the circumstances, with either the Head of Learning Services, and/or the Pastoral Care tutor and/or the Safeguarding Lead to decide who to nominate as the Case Officer.

- 8.2. The Case Officer may consult with college staff, external professionals and other persons e.g. other members of the community, the student's relatives or other external people, as appropriate, to gather relevant information about the matter and confirm that this Fitness to Study Procedure is the most appropriate means of dealing with the matter.
- 8.3. The Case Officer will contact the student to advise them of the concern about their fitness to study and the nature of that concern, and to confirm that the matter is to be dealt with at Level 1 under the provisions of this procedure. The Case Officer will provide the student with a copy of this policy and procedure.
- 8.4. The Case Officer will arrange a meeting with the student, giving them at least three working days' notice in order to:
  - explain the concern;
  - discuss its perceived impact/implications and the student's perception of the matter;
  - allow the student opportunity to respond to the concern;
  - identify any related support needs the student may have; and
  - allow the Case Officer to reach an informed decision on the matter.
- 8.5. The Case Officer may, where they deem it appropriate, consult with relevant support personnel, to consider whether their attendance at the meeting with the student is appropriate, and must notify the student of any such attendee in advance of the meeting.
- 8.6. The Case Officer should remind the student that they are entitled to be accompanied at the meeting, and ask the student to confirm in advance whether or not they will be attending and the identity and role of any person who will be accompanying and/or representing them at the meeting. For avoidance of doubt, the Case Officer is at liberty to continue with the procedure in the event that the student is unable or unwilling to participate.

**Deleted:** <#>When concerns are raised about a student's fitness to study, a member of the College staff will act as Case Officer. They will be appointed by the Vice-Principal (Academic) or their nominee, in consultation with the student's personal tutor and the ILST Manager. The Case Officer appointed will be expected to act professionally and impartially in all aspects relating to the fitness to study investigation. ¶

- 8.7. After taking account of the advice and information received from others, including any comments/ representations made by the student, medical information provided by the student's qualified medical/clinical practitioners, reports from academic or housekeeping staff or other members of the College community, and all available information, the Case Officer will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. Such actions may include, but is not limited to, one or more of the following:
- a. The use of a student learning agreement;
  - b. Implementation of appropriate support arrangements and/or reasonable adjustments for the student.
  - c. A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed including any obligations on the part of the student (e.g. in respect of their conduct, engagement with studies, or support that they should seek);
  - d. Other action commensurate with the objective of resolving the matter at level 1;
  - e. Referral to a medical practitioner
  - f. Referral of the case to another procedure such as the [Conduct, Conflict and Student Disciplinary Policy and Procedures](#), [Academic Misconduct Policy and Procedures](#), [Harassment Policy](#) or [Termination of a Student's Registration Policy and Procedure](#).
  - g. A further meeting with other relevant parties.
  - h. A recommendation to defer studies or withdraw from the College or seek a change of programme.
  - i. Escalation of the matter to Level 2 of this procedure.
- 8.8. The Case Officer may choose to communicate their decision orally in person to the student, particularly where circumstances indicate a need for prompt notification. Whether or not such oral notification is given, the student will be notified in writing (normally within seven working days of the meeting, with reasons for the decision and details of any actions to be taken
- 8.9. Minutes will be taken of the meeting with the student and these minutes and the decision of the Case Officer (including the rationale for that decision) will be recorded and retained as part of the student's formal records
- 8.10. A review period will be set in discussion with the student, which will include the process for monitoring the student's situation and to ensure that the student is benefiting from the arrangements made.
- 8.11. Where the student fails to engage with this procedure, by not providing satisfactory documentation or non-attendance at meetings or refusal to engage with any referral, the College reserves the right to revert to the appropriate set of regulations.
- 8.12. The student has the right to appeal against the Case Officer's decision by requesting the implementation of a Level 2 procedure.

## 9. LEVEL 2 PROCEDURE: SERIOUS/CONTINUING CONCERNS

- 9.1. Level 2 of the procedure can be used where, in the opinion of the College:
- it has not been possible to put in place further adjustments;
  - action already taken at Level 1 has not resulted in a satisfactory outcome;
  - the student did not take advantage of the adjustments put in place;
  - the student's health, wellbeing or behaviour worsens or has an adverse effect on the health or wellbeing of the community;
  - the concern is sufficiently serious or persistent as to require the procedure to be initiated directly at Level 2.

- 9.2.** A member of staff appropriate to the case, nominated by the Vice-Principal (Academic) or their nominee will take on the role of Case Officer. (Depending on the circumstances, this appointment may be made in consultation with either the Head of Learning Services, and/or the Pastoral Care tutor and/or the Safeguarding Lead). If a Level 2 procedure is instigated as an appeal against the decision of a Level 1 procedure the Case Officer must be a different person from the Case Officer in the original case.
- 9.3.** The Vice-Principal (Academic) or their nominee will appoint two other members of College staff to serve as a Fitness to Study Panel with the Case Officer, who will lead the panel.
- 9.4.** The Fitness to Study Panel may consult with/receive written or oral reports from other College staff, external professionals and other persons (as appropriate) such as external professionals and other persons e.g. other members of the community, the student's relatives or other external people, to gather relevant information about the matter at any point in this procedure. This consultation may, at the Fitness to Study Panel's discretion, be undertaken by way of a formal case review meeting.
- 9.5.** The Case Officer will contact the student to advise them of the concern about their fitness to study and the nature of that concern and to confirm that the matter is to be dealt with at Level 2 under the provisions of this procedure. The Case Officer will provide the student with a copy of this policy and procedure.
- 9.6.** The Case Officer will arrange a Fitness to Study Panel meeting with the student, giving them at least seven working days' notice in order to:
- Explain or review the concern;
  - discuss its perceived impact/implications and the student's perception of the matter;
  - allow the student opportunity to respond to the concern;
  - identify any related support needs the student may have; and
  - allow the Fitness to Study Panel to reach an informed decision on the matter.
- 9.7.** The Fitness to Study Panel will invite other relevant College staff, and or external professionals to attend the meeting, and must notify the student of any such attendees in advance of the meeting.
- 9.8.** Fitness to Study Panel should remind the student that they are entitled to be accompanied by a supporter at the meeting. They will ask the student to confirm in advance whether or not they will be attending and to provide the name and role of that person (e.g. supporter, or someone representing them at the meeting). For avoidance of doubt, the Fitness to Study Panel is at liberty to continue with the Level 2 procedure in the event that the student is either unable or unwilling to attend or they have been advised not to participate on medical grounds. In any of these circumstances, and where the Level 2 procedure must be initiated urgently (e.g. for the purposes of presenting a case to an Examination Board), the procedure will take place in the student's absence; ideally this would be in the presence of the student's representative.
- 9.9.** After taking account of the advice and information received from others, including any comments/ representations made by the student, medical information provided by the student's qualified medical/clinical practitioners, reports from academic or housekeeping staff or other members of the College community, and all available information, the Fitness to Study Panel will determine whether the student's fitness to study is impaired and what actions (if any) need to be taken. Such actions may include, but are not limited to, one or more of the following:
- a. Implementation of appropriate support arrangements and/or reasonable adjustments for the student;
  - b. A time-bound action plan to be drawn up, with the agreement of the student (where possible), setting out the ways in which the matter will be managed including any obligations on the part of the student (e.g. in respect of their conduct, engagement with studies, or support that they should seek);
  - c. Other action commensurate with the objective of resolving the matter at level 2;



- d. A recommendation to the student that they take a period of voluntary absence from the relevant area of activity as appropriate (e.g. student accommodation);
  - e. A recommendation to the student that they should defer their studies (e.g. change to the January to December cohort or defer studies for a year or longer).
  - f. Permitting the student to continue their studies on a part-time basis (MA only) or to study online (En Route programme online courses and MA only);
  - g. Imposing on the student a formal suspension of study for a stated period of time and/or exclusion from specified College facilities/activities, with or without conditions for any subsequent return to study or readmission to those facilities/activities. (See section 11.)
  - h. Termination of the student's studies at the College. This must be accompanied by an indication of whether reapplication at a future date is allowable or not.
- 9.10.** Fitness to Study Panel may choose to communicate their decision orally in person to the student, particularly where circumstances indicate a need for prompt notification. Whether or not such oral notification is given, the student will be notified in writing (normally within seven working days of the Fitness to Study Panel making the decision, with reasons for the decision and details of any actions to be taken.
- 9.11.** Minutes will be taken of the meeting with the student and these minutes and the decision of the Fitness to Study Panel (including the rationale for that decision) will be recorded and retained as part of the student's formal records.
- 9.12.** A review period will be set in discussion with the student, which will include the process for monitoring the student's situation and to ensure that the student is benefiting from the arrangements made.
- 9.13.** The student has the right to appeal against the Fitness to Study Panel decision. The Appeal process is set out in section 11 below.

## **10. TEMPORARY PROTECTIVE SUSPENSION**

- 10.1.** Where a fitness to study concern has been raised in regard to a student, and the Vice-Principal (Academic) or their nominee reasonably believes that the student poses a risk to: his/her own (or others') health, safety and/or wellbeing, and/or College property, and/or the reputation of the College such that immediate protective action is deemed necessary, action should be taken as swiftly as possible. This should be considered to be a safeguarding, potentially life-threatening, issue and medical consultation should be sought on behalf of the student as a matter of urgency. If there is still cause for concern a second medical opinion should be sought.
- 10.2.** At the same time, the Vice-Principal (Academic) or their nominee may:
- temporarily suspend the student from studies, and/or
  - temporarily exclude the student from certain College premises and/or activities
- Such temporary suspension/ exclusion is referred to as a "Protective Suspension".
- 10.3.** A **Protective Suspension** is a neutral act and is not in itself a determination of a student's fitness to study.
- 10.4.** Where a Protective Suspension is imposed, the Vice-Principal (Academic) or their nominee will ensure that it is reviewed at regular intervals to determine whether it is necessary for the Protective Suspension to continue or whether it can and should be revoked or amended in some way.
- 10.5.** Where the circumstances require prompt action, the imposition of the Protective Suspension may be communicated orally to the student.
- 10.6.** Whether or not communicated orally, the student will be notified in writing, normally within three working days of the date on which the decision to impose the Protective Suspension was taken.

- 10.7. The student may, within three working days of the date of notification of the imposition or continuation of a Protective Suspension, appeal against that decision, on the grounds that the Protective Suspension is unreasonable in the circumstances. Such an Appeal will be considered by the Principal/CEO, as soon as possible and no later than within three working days. Their decision on the matter shall be final.

## 11. COMPLAINTS AND APPEALS

Should a student feel they have grounds to complain about the handling of their case or appeal against the decisions reached they may do so using the [College Complaints Policy and Procedure](#) or the [Appeals Policy and Procedure](#).

## 12. EQUALITY AND DATA PROTECTION

- 12.1. All College formal investigations will be dealt with impartially in accordance with the College 'Equality and Diversity Policy' and all records kept in accordance with the College [Data Protection Policy](#) (NB the latter outlines data subjects rights regarding the processing and storing of that data).
- 12.2. All student attendance records, past and present, are kept in accordance with the Data Protection Act 2018 and the College's [Data Protection Policy](#). For details of how we process student data please see the College website [www.allnations.ac.uk](http://www.allnations.ac.uk) and insert 'Privacy at All Nations' in the search engine. This includes information about your data subject rights and how you may exercise them.

## 13. ROLES, RESPONSIBILITIES, POLICY APPROVAL AND REVIEW

- 13.1. The **Board of Trustees** have legal oversight and responsibility for all College policies, but have delegated to the Academic Board the authority to ensure fit-for-purpose policies and procedures related to academic provision are in place. The **Board of Trustees** are responsible for ensuring:
- Academic provision at the College is adequately resourced.
  - They receive details from the **Vice-Principal (Academic)** of any serious incident or one which could be of reputational risk to the College which should be reported to either the Open University, the Office for Students and/or the Charity Commission.
- 13.2. The **Academic Board**, who is also authorized by the Open University through its accreditation process, acts on behalf of the **Board of Trustees** on all academic matters. They are responsible for:
- Ensuring that the academic activities of the College support its mission statement and values.
  - Ensuring that a fit-for-purpose fitness to study policy is approved by them and complies with all relevant legislation and regulations (e.g. the regulations of The Open University).
  - Overseeing the effective implementation of this policy and ensuring it is satisfactorily managed.
  - Ensuring that the principles of this policy are:
    - Considered when managing and planning academic matters.
    - Reviewed by exploring what can be learned from investigations/appeals/complaints when they occur.
    - Reviewed in consultation with academic staff, students and The Open University, as a means of constantly seeking to improve the College's academic provision.
  - Ensuring they receive details from the **Vice-Principal (Academic)** of reported incidents and outcomes of cases (particularly where a significant impact on someone has occurred or lessons need to be learned), or details of a serious incident or one which could be of reputational risk to the College.

- 13.3.** The **Principal/CEO**, the **Vice-Principal (Academic)** and the **Quality Assurance Committee** are jointly responsible for the annual monitoring and review of this policy and recommending approval to the Academic Board for all changes.
- 13.4.** The **Vice-Principal (Academic)** is responsible for actively and visibly leading the college's fitness to study policy and practice by:
- Providing leadership for all academic provision of the College.
  - Monitoring the investigations, complaints and appeals process.
  - Liaising with the Learning Services, Pastoral Care and Safeguarding departments as appropriate.
  - Appointing the Case Officer.
  - Ensuring that decision making complies with all applicable regulations and is applied consistently across academic provision.
  - Reporting to the **Academic Board** and **Senior Leadership Team** incidents and outcomes of cases (particularly where a significant impact on someone has occurred or lessons need to be learned), or details of a serious incident or one which could be of reputational risk to the College.
  - Ensuring the College and its staff comply with any appeals process undertaken by an outside agency (e.g. The OU or the OIA).
- 13.5.** The **Vice-Principal (Academic)**, the **Head of Learning Services**, the **Safeguarding and Pastoral Teams**, **Case Officers**, **Personal tutors** and those **subject to a Fitness to Study investigation** have a responsibility, when called upon, to follow the procedures in this policy.
- 13.6.** The **Principal/CEO** is responsible for:
- Overseeing the appeals process.
  - Ensuring that decision making complies with all applicable regulations.
- 13.7.** The **Student Academic Representatives** are responsible for:
- Raising academic issues on behalf of their cohort with the **Vice-Principal (Academic)**.
  - Reporting back to their cohort on the resolution of issues raised by the students or one of the academic committees.
- 13.8.** **All academic staff and students** are responsible for:
- Familiarising themselves with this policy on appointment/at induction/orientation.
  - Taking a pro-active role in improving the College's fitness to study policy and practice.
  - Promoting and implementing/complying with this policy.
  - , if **involved in a fitness to study case** in any capacity:
    - ensuring they present their case with integrity and in a timely fashion and/or
    - ensuring they comply with any investigation and the procedures in this policy.
- 13.9.** The **Recruitment and Training Administrators** are responsible for processing a fitness to study investigation in accordance with the procedures in this policy and any complaint or appeal in accordance with the relevant policy.

#### **14. POLICY COMMUNICATION**

- 14.1.** This document and all other policy documents mentioned in this policy can be found on the College website: [www.allnations.ac.uk](http://www.allnations.ac.uk) and in the student area on the College VLE.
- 14.2.** The College Administrator will make every effort to respond to any request to provide this policy in a different format. Such requests should be sent to [info@allnations.ac.uk](mailto:info@allnations.ac.uk)
- 14.3.** This policy will be included in staff and student induction.