



LINCOLN COLLEGE

**MENTAL HEALTH AND DISABILITY POLICY
AND PROCEDURE**

POLICY CQ/PO/2

SPONSOR

Head of Student Services and Supported Education

Equality and Diversity Statement

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

LINCOLN COLLEGE

MENTAL HEALTH AND DISABILITY POLICY AND PROCEDURES

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LINCOLN COLLEGE

MENTAL HEALTH POLICY AND PROCEDURES

1 PURPOSE

- 1.1 This Policy states the responsibilities of Lincoln College in relation to the wellbeing of students who have mental health difficulties, psychological, personality or emotional disorders which may have a profoundly disturbing impact on the functioning of individual students and on the wellbeing of others around them.

2 AIM

- 2.1 This policy is intended to promote positive attitudes to students with impairments and indicates the commitment of the College to maintaining students'/staff wellbeing. This procedure can be used to support students and staff when a student becomes unwell and/or presents a risk to self and/or others. The College has a duty of care to respond appropriately to situations where there are substantial concerns relating to a student's mental and/or physical functioning and the impact upon the individual and/or other members of the College community.

3 INTRODUCTION

- 3.1 This Policy is intended to enable a non-judgemental, consistent and sensitive approach to managing situations that require an appropriate level of intervention. In situations where a student's behaviour or wellbeing causes concern, staff should consult with the Head of Student Services and Supported Education, the SEND Manager or a Mental Health Co-ordinator (or their nominee). In the first instance the Progress Coach should make it clear to the student, where there are concerns relating to their mental and/or physical health and the impact upon the individual and/or other members of the College community, that such concerns exceed the usual pastoral role and need to be referred onto specialist support. Where it is suspected that a student's behaviour may be related to an ongoing or emerging mental health problem, the student should be referred to Student Services SEND team / Mental Health Co-ordinators and encouraged to get help through their GP or through referral to mental health teams.

- 3.2 This Policy seeks:

- To identify the appropriate response by academic and support staff, where it is not considered appropriate to apply disciplinary procedures, particularly when the student's behaviour as a result of mental health difficulties should be managed rather than punished.
- To provide a co-ordinated approach to the management of a situation where it is apparent that a student's mental and/or physical functioning may prevent him/her from gaining benefit from the educational and social provision at a particular time. Alternatively, if their behaviour is adversely affecting the student

experience of others, or has extended beyond the pastoral support that can be given within the College.

- To allow staff to identify the appropriateness of a programme of study when taking into account a student's emotional, psychological or mental wellbeing. This is of particular importance in relation to counselling, teaching, psychology and care related courses. These are examples and not an exhaustive list.
- To enable staff to identify the limits to the support which they can provide and the appropriateness of referring the student onto other agencies.
- To signpost staff to access appropriate support.
- To identify and implement reasonable adjustments where appropriate e.g. reduced timetable, flexibility in attendance, tailored programme.
- To ensure appropriate support for students affected by, or involved in, the interaction with other students in the aforementioned circumstances.
- To consider the lawful application of temporary suspension or permanent exclusion and the justification for such an action.

4 ADMISSION TO COLLEGE

- 4.1 The College has a duty of care to look after the wellbeing of students, staff and the wider community.
- 4.2 The College recognises that for certain courses there is a need to ensure that students are emotionally and physically able to undertake all aspects of the programme of study and relevant work placement with reasonable adjustments in place.
- 4.3 The College will take every reasonable step to ensure that students with Special Educational Needs and/or Disabilities (SEND) are supported. However in so doing the College must also consider its duty of care in relation to Health and Safety and Safeguarding of students, staff and visitors.
- 4.4 If a member of staff has concerns that by allowing an applicant to undertake a programme of study it may have a detrimental effect on either them and/or others, then a referral needs to be made to the Head/Learning Skills Lead, Mental Health Co-ordinator and/or SEND Manager. A Lead of Case will be identified to oversee the applicant and their progress.
- 4.5 The Lead of Case will then evaluate the concerns, to discuss if further support can be put in place to allow the applicant to progress, or alternatively, if the case needs referring for further consideration. (As per Appendix one flow chart)

The Lead of Case, through further consideration, will ascertain:

- What evidence there is to support the case?
- Are there any potential risks to the applicant, other students or the tutor?
- Should additional or alternative support be put in place to allow the applicant to continue, including reasonable adjustments and/or a Risk Assessment?
- Does the College need to access specialist advice for the applicant to allow them to continue?

4.7 If it is decided that the student's case is being referred for review by the Strategic Safeguarding Panel, the Lead of Case will write to the applicant to advise them of the reasons for this decision. Information regarding the case will be notified to relevant staff on a need to know basis.

4.8 Following the review a decision will be made with one or more of the following outcomes:

- The applicant is allowed to continue on the understanding that they accept support put in place following an assessment of support needs.
- The College feel they do not have sufficient evidence to make a decision and may make recommendations that further evidence/support may be required by a GP, Health professional or external agency. The applicant will then be asked to provide details of relevant support services that can be contacted. If the College feels it cannot put appropriate support measures in place to support/safeguard the applicant, other students and staff, then a decision will be made to withdraw the offer of study.
- The applicant cannot continue on their chosen programme of study, identifying specific reasons why. The College will consider the applicant applying for a different study programme or where appropriate a decision to defer the student's entry to study to a later date can be made.
- The College does not feel that currently they are able to make reasonable adjustments necessary to support the applicant in their studies. The College will need to demonstrate in this instance that they have followed requirements within the relevant policies and procedures.

5 DISRUPTIVE BEHAVIOUR OR BEHAVIOUR OTHERWISE GIVING CAUSE FOR SERIOUS CONCERN

5.1 If a student displays behaviour that is seen as causing immediate and serious concern or continuous poor behaviour the following guidance needs to be followed.

5.2 **Stage One**

Academic Staff need to identify if the student involved has any Special Educational Need and/or Disabilities (SEND) including mental health difficulties which may affect their behaviour. If there is no indication that the behaviour is related to a SEND then the matter should revert to the Learner Conduct Procedure.

If the behaviour is related to a SEND then academic staff should review the following points:

- Have references or previous educational records identified past behavioural issues?
- What evidence has been reported of issues or problems?
- Has an Assessment of Support Needs taken place and have the recommendations been followed?

5.3 **Stage Two**

If no Assessment of Support Needs has been undertaken then this will need to take place as a priority and a SEND profile created and discussed with the student's tutorial team.

If a student has a SEND profile and the recommendations have not been followed the tutorial team will need to ensure that this is rectified as a priority.

If the student's behaviour does not improve after all support recommendations have been followed or, the student refuses to access reasonable support and they continue to exhibit behaviour that is causing significant concern, then the Head of Learning/ Learning Skills Lead and Student Services should be informed.

If the College believes that appropriate support measures are either not working or not being accepted by the student a decision will be made to escalate the case to a Team around the Student. Consideration should be given to the impact the student is having on themselves and others.

Although a student may have a SEND this does not excuse what is deemed as "poor behaviour". Unless behaviour is directly attributed to a particular health related problem, poor behaviour will be dealt with through learner conduct procedure.

5.4 **Stage Three- “Team Around the Student” meeting.**

If the situation continues without improvement the Head of Learning/ Learning Skills Lead should then request for a Team around the Student meeting to take place as shown in the Flow chart Appendix one.

Minutes of these meetings need to be recorded and should set out relevant action plans or strategies which may include Safety Plans where appropriate. These meetings should be undertaken in consultation with the student to allow them every opportunity to express their wishes and feelings.

The student’s behaviour will then be monitored for improvement as set out in the action plan from the meeting and there should be an agreed period of time when this is reviewed.

If it is felt that the student is not showing any signs of improvement the case should be referred to the Strategic Safeguarding Panel and the student notified of this. The decision to refer to the Strategic Safeguarding Panel should be a joint decision between the Director of the Academic area associated with that student and the SEND Manager.

All necessary support should be offered to students and staff who may be affected by any incident or ongoing situation related to the student causing concern.

5.5 **Stage Four- Strategic Safeguarding Panel (SSP)**

The SSP is made up of members of the Senior Management Team and invited professionals from external agencies to ensure independence.

The SSP should be convened within 10 working days from the decision to take the matter to panel.

The circumstances leading to referral should be shared with the panel including any mitigation or view of the student. The Strategic Safeguarding Panel will consider the evidence presented to them and make a decision as to the most appropriate course of action i.e. reduced timetable (if appropriate), change of course (where available), extended completion date (where available), removal of placement (where applicable) distance learning, recommending additional support strategies, suspension, or exclusion.

All recorded information relating to the case and the student will be retained confidentially by the College.

The student has the right to appeal the decision of the panel through the Appeal process; this should be made in writing to the Managing Director (Education and Training Delivery) within ten days of the student being made aware of the decision.

The outcome of the meeting will be communicated in writing to the student by the relevant Director (or nominee) to take place within 5 working days of the recommendation.

If it is agreed that the student can continue with their studies they will be informed of the 'Return to Study' procedure and process. It will be made clear to the student that this procedure is quite separate from the College's disciplinary procedures. It will also be made clear why the College is recommending this course of action.

It is acknowledged that though a student may have mental health difficulties, this in no way lessens the duty of care that the College has for other students. The duty of care for students with mental health problems should be balanced against the duty of care to other students.

The appropriate Director (or nominee) will hold a de-briefing meeting for relevant staff within 5 working days of communicating the outcome of the Strategic Safeguarding Panel Information will only be shared with those on a "need to know basis", for the purpose of ensuring all parties have adequate support.

The College will keep a central record of all referrals, actions and developments.

6 RETURN TO STUDY

- 6.1 Following a period of absence from the College for recuperation and/or treatment, it may be appropriate for the student to return/resume studies.
- 6.2 If this is the case, it will be necessary to ensure that the student is assisted by the course team, Head of Learning/Learning Skills Lead in conjunction with advice from the SEND Manager, a Mental Health Co-ordinator (or their nominee) in their return to the College.
- 6.3 The College will require the student to produce appropriate confirmation of their health and ability to resume studying. If a student has taken a leave of absence from the College due to illness, mental health difficulties, disabilities or medical condition, they will need a formal assessment by an appropriate medical practitioner or other health professional before returning to study. The Head of Learning/Learning Skills Lead Safeguarding and Assessment Support Team Leader (or their nominee) will support the student to access an appropriate referral.
 - An agreed 'Return to Study Plan' will be devised in consultation with the student, the Head of Learning/Learning Skills Lead, Safeguarding and Assessment Support Team Leader/ Mental Health Co-ordinator (or their nominee) and their course tutor. This will address:
 - The specific study-related support needs of the student in returning to education
 - The support which is reasonably required in the short term; involvement of and liaison with external agencies
 - Any longer term support or adjustments that are reasonably required and any conditions that might or will apply to provision.

- 6.4 The Return to Study Plan should incorporate a Risk Management or Safety Plan that considers the experiences that led to the student's initial absence from their course and any other information that is known to be relevant. The student will be offered a Support Needs Assessment or a review of the one they have currently in place. Any return to study will be subject to the student's co-operation with this process and full adherence to any agreements made.
- 6.5 Other members of staff within the Student Services team will be available to provide advice and support to facilitate the student's transition back onto the course, particularly in relation to any action that might be required under the Equality Act 2010.
- 6.6 When return to study is not deemed to be an option, the student will be advised in writing that this decision will be referred to the Strategic Safeguarding Panel. If the student is unhappy at any stage with the decision made they should be advised to follow the appeals procedure.

7 INABILITY TO ENGAGE OR CONTINUE TO STUDY

Instances where it may be appropriate to apply the Policy (but not limited to):

- SEND/Mental Health issues have been disclosed; reasonable adjustments, Support Plans/Assessments have been put in place. Irrespective of support; the Student is still experiencing difficulties in engaging/sustaining with their studies.
- Where concerns by third parties have been raised regarding continuing difficulties and/or change in behaviour which impacts on the students and others.
- Absences/non-class attendance may present a cause for concern in relation to wellbeing, achieving and/or safeguarding.
- Where a Student does not adhere to the policy including Self Harm Guidelines.

SELF-HARM GUIDELINES

- Self-Harm is identified as (but not limited to) intentional burning to one's self, intentional cutting to one's self, and misuse of prescription and non-prescription medications, asphyxiation and use of ligatures with intent to harm one's self.
- Students are informed that they should not bring objects/sharps onto any College site or Outreach sites that could be classed as an offensive weapon. To bring these items into any learning environment would be seen as a serious misconduct. This will lead to investigation which could result in suspension and possible dismissal under serious misconduct. (Note: this does not include where students require equipment as part of their college course, i.e. hairdressing students (scissors and razors) or trainee chefs (knives), etc. and these are used as part of their studies in the appropriate environment).

- Students are informed that they are not to self-harm in class. To do so would be seen as serious misconduct, lead to suspension, investigation and possible dismissal. Students should inform tutors that they need to leave they class if they feel they may self-harm and seek support from a Mental Health Co-ordinator or other staff members from Student Services.
- When a student is seen by a first aider or presents themselves at Student Services having self-harmed the presenting physical injury is to be treated first and foremost, this may require a visit to A&E or in some cases an ambulance to be called. The Mental Health Co-ordinator or other member of Student Services Support Team is to be requested to support the student and to sign post to external agencies as required. This would include GP, CRISIS Team or CAMHS.
- If any Student self-harms resulting in a hospital stay or if a disciplinary has been initiated the student must meet with a Mental Health Co-ordinator (who will then contact the H&S department) to assess whether a risk assessment is necessary to support the student at College.
- Students (who have recently self-harmed) are requested that when working on placements or where there would contact with the public as part of their studies, the affected areas of their body where possible are covered with appropriate clothing.
- The student discloses/presents with difficulties and/or behaviours that cause members of staff to question their wellbeing, ability to engage with study, learn and complete their course.
- Where bespoke or tailored learning programmes are not effective in reducing concerns of the Student.
- When all other appropriate intervention has been unsuccessful the decision of the Student continuing their studies will be referred to the Strategic Safeguarding Panel for discussion. The Panel will then provide an outcome that is in the best interest of the Student and the College.

8 DATA PROTECTION ISSUES

- 8.1 All College staff are governed by the requirements of the Data Protection Acts 1984,1998, 2018 and the General Data Protection Regulation (GDPR). Under these acts, all data relating to a person's physical or mental health is regarded as sensitive, personal data. 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.
- 8.2 For the purpose of this Policy, sensitive data is deemed to be information given in confidence concerning, for example, a student's ill-health or disability including mental health illness.

9 CONFIDENTIALITY

- 9.1 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. 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.
- 9.2 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 exists 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)
- 9.3 Staff should consult with the appropriate Director of School or Head of Student Services and Supported Education if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

10 HEALTH AND SAFETY IMPLICATIONS

There may be circumstances where there appears to be a conflict between ability to study issues and the health and safety of employees and students. All cases will be dealt with on an individual basis.

11 APPEALS

All appeals should be made in writing to the Managing Director (Education and Training Delivery) detailing reason for appeal. The Managing Director (Education and Training Delivery) or their nominee will investigate the appeal and any supporting evidence providing an outcome to the student within 15 working days.

APPENDIX ONE

INABILITY TO ENGAGE OR CONTINUE TO STUDY THROUGH ILL HEALTH OR DISRUPTIVE BEHAVIOUR PROCESS

