



Fitness to Study Policy

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VERSION 1

1 PURPOSE

This Fitness to Study Policy will be used as an alternative to the disciplinary policy where there is sufficient evidence that the learner's ability to safely and successfully participate in academic study is adversely affected and that it could reasonably be judged to be as a result of disability, physical or mental ill health. The College's duty of care applies to the wider College community as much as it does to the individual learner, therefore the Fitness to Study Policy will also apply if the learner poses a risk of significant impact on the health, safety and wellbeing of other people.

2 SCOPE

This policy details how the College will support learners in these situations in a clear and transparent way.

3 DETAILS OF POLICY

3.1 Policy Statement

Situations may arise for a variety of reasons – often health, personal or family problems – when a learner has difficulty studying and their behaviour starts to impact on themselves or those around them. The College has a duty of care to these individuals but also needs to consider the needs and rights of other members of the College community and the impact this may have on the learning environment.

Early intervention in learner health/behaviour and recommendations for support can prevent a crisis situation. In the first instance the College will use the tutorial system and other learner support services to resolve issues. If this does not have the desired effect on the behaviour, or the disruption or risk presented by the learner is perceived to be of a serious or potentially serious nature, the Fitness to Study Policy should be implemented.

The Policy shows a structured procedure of case conferences which will ensure that the learner is fully and appropriately supported to resolve the problems that are interfering with their ability to study.

At all times information provided by the learner will be treated in accordance with the Advice and Guidance Confidentiality Policy.

3.2 Responsibilities

Staff: It is the responsibility of all staff to promote the appropriate conduct of learners while they are on the College premises. This responsibility includes the following:

- During teaching and learning sessions, the tutor/instructor/designated person in charge has immediate authority for supporting learner health, behaviour/attitude.
- All staff may engage with learners to support the College Code of Conduct in the common areas of the College including corridors, open access areas and areas serving food.
- Any member of staff observing a learner behaving in a manner which could breach the College Code of Conduct has the authority to engage with the learner and indicate their behaviour is inappropriate.

- All members of staff should ensure that learners are made aware and know where to find the College Code of Conduct, relevant policies, procedures and regulations during the learner induction period.

Learners: It is the responsibility of all learners to conduct themselves appropriately and in a way conducive to their own learning and that of their peers. This responsibility includes the following:

- It is the responsibility of every individual learner to familiarise themselves with the Code of Conduct, relevant policies, procedures and regulations and to comply with them. Copies are available from Advice & Guidance.

3.3 Potential Impact on Equality and Diversity

The College must ensure that all possible barriers are removed and all reasonable adjustments have been made to address the learner's issues during each Stage of this process to ensure Equal Opportunity has been given.

3.4 Background

Fitness to study is a term which relates to the entire learner experience and not just the ability to engage with studies. It encompasses, for example, behaviour, attitude, interaction with other learners etc. This policy is not designed to address academic performance issues unless these result from a fitness to study difficulty.

Where a higher education (HE) student on a university-validated award or Pearson BTEC Higher National award is experiencing adverse circumstances that are affecting their ability to successfully complete or submit assessed work, it may be more appropriate to apply the Extenuating Circumstances Policy and Procedure.

The College expects certain standards of learner conduct and behaviour to ensure that any learner does not have an adverse impact on themselves or those around them. There are specified disciplinary mechanisms to deal with learners whose behaviour or academic conduct falls outside the acceptable standards but if the cause for concern relates to a learner's health, safety and general wellbeing, disciplinary action may be inappropriate. As a general overview, if the behaviour or conduct is classed as 'deliberate', it is probably more appropriate to enforce the Disciplinary Policy. If the learner displays signs of 'an inability to' or is 'unable to' change their behaviour or conduct, the most appropriate course of action is likely to be the Fitness to Study Policy.

A learner's fitness to study may be questioned if health problems are disrupting his/her studies or the studies of others or they are placing unreasonable demands on staff or other learners. The College is obliged to take action if learners present a risk to themselves or others.

In some circumstances the Safeguarding procedure may be implemented with learners who disclose information that suggests they are vulnerable, or at serious risk of harm.

There are a wide range of circumstances that may make you question a learner's fitness to study. These include (but are not restricted to):

- Concerns raised by a third party (e.g. friend, other learner, tutor etc.)
- The learner advises a member of the College that they have a problem or have provided information which indicates that there is a need to address their fitness to study
- The learner has started showing signs of mood swings, apparent depression, becoming withdrawn or uncharacteristic behaviour

- Behaviour that would generally be dealt with as a disciplinary matter but could be as a result of an underlying physical or mental health problem
- Academic performance is unsatisfactory and is thought to be the result of an underlying physical or mental health problem

If tutorial, academic or support staff have any concerns regarding a learner's fitness to study, they should discuss the situation immediately with Advice & Guidance.

3.5 Procedure

If the general College tutorial system has been unable to resolve the issue or there is a perceived risk to the health, safety and wellbeing of the learner or others, the Fitness to Study policy should be adopted.

There are three stages to the procedure based on the perceived risk to health, safety and wellbeing of the learner or to others.

3.6 Stages

3.6.1 Stage 1 – Informal Action

The learner's Personal Tutor (or another member of staff who has a good relationship with the learner) should arrange a confidential meeting and explain to the learner that concerns about their fitness to study have emerged. This meeting will be held with at least one other member of staff, who will make a record of the meeting. The learner should be advised of the precise nature of the behaviour that is causing concern. At this stage the learner should be encouraged to confidentially disclose any health condition that may be relevant to the situation. A brief action plan should be drawn up, with actions to support remediation of the poor conduct, such as that:

- The learner makes contact with Student Services to arrange support;
- The learner makes contact with a relevant external support service to arrange support;
- The learner makes contact with their GP;
- An Educational Healthcare Plan is drawn up by the College to support the prompt identification of the symptoms or signs associated with the health condition, and what subsequent steps should be taken;
- A reasonable adjustment is implemented by the College to support the learner to successfully manage their health condition.

It is hoped that in most cases the issue will be resolved at this level with the learner engaging positively with the action plan, co-operating fully with the procedure and taking advantage of the support available.

A review period should be agreed to determine if the actions taken have addressed all concerns fully or if further support is required. If the learner has positively engaged with the concerns and taken steps to remediate their underlying disability or ill-health then no further escalation is required. However, if Stage 1 has been completed and learner's conduct subsequently shows signs of deterioration, or if further concerns have been raised during the Stage 1 review period, the case should proceed to the next stage of the procedure.

All discussions including advice and any undertakings made by the College should be documented, retained in a secure location and a copy issued to the learner within 5 working days of the meeting. The learner should also be informed that continuation of the same behaviour or any additional cause for concern could result in their fitness to study being more seriously considered by moving to stage 2 of this procedure.

The Advice & Guidance Team are available to offer support at this stage of the procedure.

3.6.2 Stage 2 – Case Conference

Stage 2 should be instigated when the review period has ended and there is no improvement in conduct, or the learner has refused to engage with the Stage 1 action plan, or it is felt that the situation is too serious to be dealt with at Stage 1. For example, where there has been deterioration in conduct, health, appearance, behaviour and/or attitude.

A short written statement detailing the precise nature of the behaviour that is causing or continues to cause concern, along with a copy of the action plan from Stage 1, will be completed by the ACM and submitted confidentially to Advice and Guidance. The advice and Guidance Team will invite the learner to a confidential meeting with a member of the team, and the staff member who raised the initial concern, and the ACM of the relevant curriculum area.

The learner should be provided with at least 48 hours' advance notice of the meeting and given a copy of the written statement. For convenience to the learner, and where practically possible, the meeting should be arranged for when they would normally be scheduled to attend College.

The learner may be accompanied at this meeting by a friend, family member or other representative acting in a supportive capacity. Disabled learners can also be accompanied by a support worker as appropriate to their needs.

If the learner fails to attend the meeting without good cause, it may be decided to reschedule or continue with the meeting in his/her absence.

The purpose of the meeting is to ensure that:

- The learner is made fully aware of the nature of the concerns that have been raised
- The learner's response can be heard and taken into account, including any new evidence to show positive engagement with the stage 1 action plan, or that their circumstances have changed
- The available evidence is considered fully – including any medical evidence presented by the learner in stage 1
- The learner is made fully aware of the possible outcomes if the issues remain.

The member of the Advice & Guidance Team and the member of staff will consider the evidence. If a decision on an outcome cannot be reached at the meeting, they may take more time to consider the evidence or to seek further advice.

After consideration of the evidence, the decision may be reached that the learner is:

- Fit to study, providing that certain conditions are met, or
- Fit to study (without conditions)

Decision	Outcome/s
Fit to study, providing that certain conditions are met	<ul style="list-style-type: none"> • A Stage 2 action plan which will be jointly monitored by the two members of staff involved in the meeting; • Referral to a pastoral, academic or therapeutic(?) support supplied by the College; • Referral to a support service provided by an external organisation;
Fit to study (without conditions)	<ul style="list-style-type: none"> • No further action is required

A record of the meeting including, where applicable, the Stage 2 action plan will be retained in a secure location. A copy must be sent to the learner within 5 days of the meeting. If a Livescribe Pen is to be used, all attendees need to be advised at the start of the meeting that the discussion will be recorded.

3.6.3 Stage 3 Case Conference

Stage 3 Case Conference will only be appropriate in the most serious of cases. This can be instigated when the review period has ended and there is no improvement in conduct, or the learner has refused to engage with the Stage 2 action plan, or if there are sufficiently serious or persistent concerns about the health, safety and wellbeing of the learner or others and suspension of studies or permanent exclusion may be the most appropriate course of action.

A Stage 3 case conference will be convened by the member of the Advice & Guidance Team involved at Stage 2, by contacting the Safeguarding Co-ordinator or Assistant Principal – Quality and Learner Services. They should provide full details of the circumstances together with the rationale for requesting Stage 3 case conference. Consideration should also be given to suspending the learner pending the outcome of the stage 3 case conference.

The learner will be invited to attend a case conference. The panel will consist of the Assistant Principal – Quality and Learner Services (chair), Safeguarding Co-ordinator (presenting the case), a representative from the curriculum area and the learner's personal tutor. An independent note taker will also be present to take detailed notes of the discussion but will not take part in the case conference discussion. If the note taker intends to use a Livescribe Pen, the attendees of the case conference need to be advised at the start of the meeting that the discussion will be recorded.

The learner should be given at least 48 hours' notice of the case conference and, for their convenience, and where practically possible, should be arranged for when they would normally be scheduled to attend College. They should be asked to confirm their attendance. The learner may be accompanied by a friend, family member or other representative acting in a supportive capacity. Disabled learners can also be accompanied by a support worker as appropriate to their needs.

If the learner fails to attend the case conference it will be rescheduled. A second invite will be issued with explicit instructions that further failure to attend without good reason will result in the case conference taking place in his/her absence.

The purpose of the case conference is to ensure that:

- The learner is made fully aware of the nature of the concerns that have been raised
- The available evidence is considered fully – including any medical evidence presented by the learner in Stage 1 or Stage 2
- The learner's response can be heard and taken into account, including any new evidence to show positive engagement with the Stage 2 action plan, or that their circumstances have changed.
- The learner is made fully aware of the possible outcomes if the panel find that they are unfit to study.

The panel will consider the evidence. If a decision on an outcome cannot be reached at the meeting, they may take more time to consider the evidence or to seek further advice. The panel may decide that the learner is:

- Unfit to study,
- Fit to study, providing that certain conditions are met, or
- Fit to study (without conditions)

Decision	Outcome/s
Unfit to study	<ul style="list-style-type: none"> • Permanent withdrawal • Suspension of Studies – minimum period decided by panel
Fit to study, providing certain conditions are met	<ul style="list-style-type: none"> • Stage 3 Action Plan, monitored by Safeguarding Co-ordinator or Assistant Principal – Quality and Learner Services • Alternative mode of attendance • Further support from internal or external agency or organisation
Fit to study (without conditions)	<ul style="list-style-type: none"> • No further action is required

A record of the meeting including agreed actions must be made, retained in a secure location and copies issued to all present at the case conference. A copy of the record of the meeting will be made available to the learner along with the decision of the panel.

The decision should be communicated to the learner, in writing, by the Head of Learner Services within 5 days of the meeting. If appropriate the letter should also clearly state the consequences of non-compliance with the decision or breaches to the agreed actions.

3.7 **Medical Information**

Learners should be encouraged to provide medical information where possible, as this can enable appropriate action plans to be created to remediate an underlying health condition and support future positive conduct. At each Stage a learner may wish to use it in support of the identified issue. Medical information is confidential and should be protected, however it should be made clear to the learner that, in order to resolve their situation, the information will need to be shared with certain members of staff. The learner may also refuse access to medical records.

This could include:

- the nature and extent of any medical condition from which the learner may be suffering;
- the learner's prognosis;
- the extent to which it may affect fitness to study and manage the demands of student life;
- any impact it may have or risk it may pose to others;
- whether any additional steps should be taken by the College, in light of the medical condition to enable the learner to study more effectively;
- whether the learner will be receiving any ongoing medical treatment or support

(This information should be used in line with all other information available to the College throughout this process).

3.8 **Return to Study**

Where a suspension of studies has been decided on by the Stage 3 panel and the minimum period of suspension has elapsed, the learner may request permission to return to the course. This should be considered by the Safeguarding Co-ordinator, a representative from the curriculum area and the learner's personal tutor but will always be dependent on externally-verified evidence confirming the learner's fitness to study. The College must satisfy itself that the evidence is sufficient, that the learner is fit to study and able to comply with any conditions imposed and that the College is able to provide any required support for the learner's return.

A return to study plan should be agreed and documented following discussion with the learner. Regular review meetings should be held to support the learner and monitor adherence to the plan.

Fitness to study is an on-going responsibility of the College and the learner throughout the remaining period of study. The review meetings may continue for part or all of the learner's remaining time at College.

3.9 Right of Appeal

Any learner who is not satisfied with a decision made in accordance with the Fitness to Study Policy should address their appeal, in writing to the Deputy Principal Learning and Achievement. The decision of the Deputy Principal will be final.

On considering the appeal, the Deputy Principal may decide to:

- Reject the appeal,
- Approve the appeal
- Request additional information

Decision	Outcome/s
Reject the appeal	<ul style="list-style-type: none"> • The original decision is upheld
Approve the appeal	<ul style="list-style-type: none"> • The case is referred back to an earlier stage of the process for reconsideration – to be used where the process has not been followed correctly, or new evidence is available that materially affects the decision at an earlier stage • The case is referred to a relevant or suitably qualified person for further advice or consideration • Apply an alternative outcome

3.10 General Matters

The College will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Single Equality Scheme and the general rights and expectations of a learner to confidentiality. In cases where Stages 2 or 3 of the Fitness to Study Policy has been invoked, the Safeguarding coordinator will make a decision about whether the learner's emergency contact should be informed.

Any personal sensitive data or data of a confidential nature received by the College as a result of these procedures will be handled, processed and stored according to the Data Protection Act.

4 MONITORING

The policy will be reviewed annually

5 RELATED POLICIES/PROCEDURES/DOCUMENTS

6 POLICY REVIEW

Change(s) Made		Reason for Change			
New Policy					
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
Sep 2019	Manager of learner Services and Admissions	Policies and Procedures Committee	Policies and Procedures Committee	Sep 2020	1 year

7 EQUALITY IMPACT ASSESSMENT

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
Angela Harrison – Quality Administrator	12.11.2019	Angela Harrison – Quality Administrator	12.11.2019

8 PUBLICATION

Audience:	Published:
Staff	Staff Intranet
Learners	Moodle