

Fitness to Study Policy for Learners

This policy is also available in Welsh

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Contents

Page 3	Preamble to the policy
Page 4	1- Aim of Policy
Page 4	2 - Scope and Objectives
Page 5	3 – Grounds for concern about a learners’ fitness to study
Page 5 – 10	4 - Intervention Process for learners causing concern
Page 10	5 - Appeals against Suspension / cessation of studies
Page 11	6 - Investigatory and disciplinary procedures
Page 11 - 12	7 – Fitness to study at the point of application to College

Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, transgender, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

Sustainability

The college will comply with all statutory duties in respect of sustainable development by seeking to improve the long-term economic, social and environmental wellbeing of people and communities. This needs to be done in ways which promote social justice, equality of opportunity and which enhance the natural and cultural environment while respecting its limits.

Welsh Language

The Welsh Language Measure of 2011 ensures the equal status of the Welsh language alongside the English language. This law has created the role of a [Welsh Language Commissioner](#) and has introduced a number of Welsh Language Standards with which the College are under a statutory duty to comply. This includes conducting Welsh Language Impact Assessments for all new and revised policies.

1. Aim

This policy and procedure is in place to deal with situations where a learner's fitness to study is a cause for concern.

What is 'fitness to study'?

Fitness to study relates to an individual's capacity to engage satisfactorily as a learner, including in relation to academic matters and life generally at College. Concerns about a learner's fitness to study could arise from issues relating to physical or mental health difficulties or difficulties arising from a disability or long-term health condition; such that an individual's academic progress in College or wellbeing or health and safety or that of others around them is adversely affected.

2. Scope and Objectives

The College has a duty of care to respond appropriately to concerns relating to a learner's health and well-being.

This fitness to study policy and procedure offer an effective framework where a learner's behaviour requires considered and sensitive management, rather than disciplinary action.

- It enables a positive approach to the management of physical and mental health issues and acts to support an individual's learning, academic achievement and improve learner experience.
- It provides a co-ordinated approach to the management of a situation that has extended beyond the usual pastoral support given within the College.
- It identifies the appropriate response by teaching and support staff.
- It helps identify a process whereby reasonable adjustments are implemented, but also to identify the limits to the support that College staff can provide and the appropriateness of referring the learner onto other agencies.
- It sets out what the learner can expect and their role in the process

3. Grounds for concerns about a learner's fitness to study

Grounds for concerns about a learner's fitness to study might include (but not be limited to):

- progressive or sudden deterioration in a learner's attendance, attention, quality of work, appearance, or behaviour;
- the learner has told a member of College staff that they have a problem and/or provided information that indicates that there is a need to address the learner's fitness to study;
- the learner has behaved in a way that would otherwise be dealt with as a disciplinary matter, but there is evidence (to the satisfaction of their Head of School) to show that the learner's behaviour may be the result of an underlying physical or mental health problem linked to their fitness to study;
- the learner's participation in their programme of study is not enabling them to make progress with their studies and there is reason to believe that this is linked to their fitness to study;

(Ref: University of Surrey, FTS Regulations)

In a situation where it is perceived that a learner's behaviour presents an immediate risk to themselves or the safety of others, the appropriate emergency services should be called.

The Fitness to Study procedure follows a graduated response and most cases will start and be managed at Stage 1. The learner may move on to Stage 2 and then Stage 3 if concerns persist. Rarely and only when there is judged to be 'significant concern' that require input from Learner Services, a learner may be referred straight to Stage 3. Significant concerns may include behaviour that puts the health, safety or wellbeing of the learner or other members of the College community at risk.

4. Stages of graduated response

Stage 1 - Emerging or initial concerns about an individual's fitness to study

Any member of staff may raise concerns but Personal Tutors are likely to be foremost in identifying issues and addressing them with the learner, usually through the College Tutorial process. The member of staff should talk to the individual in a sympathetic and understanding manner, indicating that there are concerns about their fitness to study.

Staff should try to:

Identify the nature of the concerns clearly and encourage a discussion, highlighting the potential impact on their success in College.

Give information about support available in College and make the referrals to support (e.g. Welfare, Additional Learning Support, I2A support, Learner Services). Early intervention is recommended and may avoid crises from occurring.

Encourage the learner to have an initial discussion with Learner Support staff even if they are reluctant to accept support.

Make contact with home (where appropriate) and seek the involvement of parents/ carers

Note: When an individual discloses a disability (including mental health condition and specific learning need such as ADHD, ASD) to any member of staff, the Disability Discrimination Act deems that the disability has been disclosed to the College as a whole and the College must make reasonable adjustments to meet the disabled learner's needs. In view of this, if a learner declares a disability, the member of staff must do one of the following:

refer them to learner support so that appropriate support can be arranged.

OR

if a learner has disclosed a mental health condition, illness or disability to a member of staff but does *not* wish to share this information with others, including Learning Support/Welfare Support, it is important that this decision is recorded.

However, in these circumstances, the learner should also understand that the College may find it difficult to make reasonable adjustments and meet their needs as a disabled learner. There is still a limited responsibility on the College to make reasonable adjustments if possible and there may be some limited reasonable adjustments that a

single member of staff may be able to make, and if this is possible and reasonable, the member of staff should do this.

Agree key targets and actions to help deal with the concerns that have arisen about their fitness to study. These will be individual to the learner and their circumstances. (Examples may be, a plan to catch up on work; agreeing extensions to assignment deadlines; providing extra tutorials; allowing work to be completed from home; providing additional subject notes / resources; allowing more regular rest breaks; changing day or times of subjects or changing groups).

Record the outcomes of this meeting and actions/ targets using College Learner Tutorial systems (On Track). If some information is deemed too sensitive to record on platforms accessed by a wider staff group, other individual records may be kept.

Make clear how the learner's participation and/or progress is monitored, together with time scales in which improvement is expected.

Inform the learner that if there is no improvement, any additional cause for concern arises, or if they refuse to engage in the process, consideration of their fitness to study could progress to a next stage.

Inform Head of School and seek their involvement if necessary.

Heads of School should monitor the numbers of learners at Stage 1 of the Fitness to Study process and liaise with staff as appropriate.

Learners should try to:

Seek help in College as early as possible by speaking with Personal Tutor (or other staff) or using on-line self-referral for support

Make best use of the support available in College

Seek help outside of college for health related needs (such as appointments with GP)

Take responsibility for their health by following medical advice (such as taking prescribed medication)

Communicate absences

Stage 2 - Continuing or escalating concerns

If there is no or insufficient improvement or concerns for the learner's fitness to study escalate, learners should be referred for a Stage 2 meeting with Learner Services. Referring staff should complete and submit the FTS Stage 2 Referral Form with full

details of Stage 1 actions. Learner Services will work collaboratively with the referring staff.

The learner will be sent an invite to attend a Stage 2 meeting with a member of Learner Services (usually senior Learning Support staff) and this staff will manage the meeting. A learner's non-engagement at this stage is likely to result in referral to Stage 3.

The learner may choose to be accompanied by another person (not legal representative) and invites are also extended to parents/guardian/carer, healthcare or other support professional and relevant other.

The meeting is to hear the learner's view of what is not working and to hear from staff who know the learner to discuss the impact, which their ill health and/or behaviour are having upon him/herself and/or the wider College community. The purpose of the meeting is to mutually agree outcomes and put in place an action plan and the support needed to help achieve these outcomes.

If outcomes and an action plan cannot be agreed at Stage 2, then the case must move to Stage 3.

In some cases, a learner may decide to withdraw from their studies at this stage but it may still be appropriate to agree actions to support the learner's 'exit' from College, such as a referral to Careers or other external support agency.

A learner may wish to return to a programme of study in the future. The College will make every effort to support the learner's return – to the same or a new course and may include repeating periods of study. The ability to return will depend upon the feasibility and reasonableness of such a proposal, and will be decided on a case by case basis. At the point at which a learner is deemed fit to return to study, appropriate adjustments can be considered.

Staff should try to:

Discuss the need for a Referral to Stage 2 with the learner

Complete a Stage 2 Referral providing full details of actions taken at Stage 1

Be available to attend the Stage 2 meeting

Come prepared to feedback on the learner's academic progress and what they need to do (this may mean liaising with other staff on the course team)

Feedback the agreed outcomes and any actions that staff need to take to the course team

Continue to monitor, support and review the learner's progress and update their action plan by the review date set.

If by that date, there is no improvement, any additional cause for concern arises, or if the learner refuse to engage in the process, a referral to Stage 3 should be made.

Learners should try to:

Make every effort to attend the meeting

Bring verification of any current health management, therapy, treatment or support recommendations

Think about what is working and what is not working in College and be prepared to talk about it

Contribute as much as possible to setting actions so that they are meaningful, realistic and achievable for you

The written outcomes and action plan will be clearly communicated to the learner, other attendees and staff named with a role in supporting the learner. It will also be submitted to learner's Head of School who will have a role in ensuring information is shared with relevant staff in the School.

In some circumstances, external/ and/or specialist support may be recommended.

Stage 3 – Serious or Persistent Concerns

Where serious or persistent concerns are raised about an individual's actions or behaviour that are putting the health, safety, wellbeing or academic progress of him/herself or other members of the College community at significant risk, Stage 3 of this policy and procedure will be used and a 'Case Conference' called. This will usually be led the Director of Learner Services. The purpose of the meeting is to review all previous actions and hear from all relevant participants to gain an holistic view of the learner's current circumstances.

Those present at the Case Conference may include:

- The Director of Learner Services or a nominated representative (Chair)
- Learner

- Head of School or nominee
- Course Tutor/School representative
- Appropriate representatives from the Welfare / Learner Support teams
- parents, guardian, carer, partner or other person
- medical/health representative or other relevant support professional (not legal representative)

The Case Conference will determine an agreed outcome, which could be:

- an enhanced Action Plan, which may include a suggested change in mode of study (e.g. location, times),
- a recommendation for a suspension of studies on health and wellbeing grounds to allow for remedial actions to take place (e.g. stabilisation of medication),
- a recommendation for a cessation of studies on health and well-being grounds, where it is agreed that the limits of reasonable adjustments have been reached at that time
- another individual arrangement

If the recommendation is that of an enhanced Action Plan, the plan will set a review date. A copy of the agreed Action Plan will be communicated clearly to the learner and also submitted to the Head of School.

The suspension of studies is intended to give the learner time away from studies to address health and wellbeing issues, in order wherever possible to return to the College and resume study.

Upon suspension, provision may be made to provide the learner with the necessary means to continue their studies from home (e.g. access to electronic and other learning resources and other educational support mechanisms).

A learner who is suspended may be wholly or partly prohibited from entering College premises. Suspension may be subject to qualification, such as permission to take an examination. A suspended learner should be given guidance on how they might best continue their studies.

The suspension will not be lifted until the learner has provided appropriate medical evidence from their G.P or other approved health professional that the learner is considered fit to return to study. The College may ask the health professional to answer specific questions or consider specific issues, and will not make a decision to lift the suspension until satisfied that the learner is fit to return to the College.

A decision to end studies will only be recommended in the most serious of cases, and when all avenues of support have been exhausted, or the learner has not taken up such support. In any case, no learner's studies should be ended unless deemed to be

the only remaining option and demonstrably in the best interests of the learner and/or other members of the College community.

The College will make every effort to allow the learner to enrol at the college again at a suitable future date. This may include repeating periods of study. The ability to return to a new course or to repeat a course of study will depend upon the feasibility and reasonableness of such a proposal, and will be decided on a case by case basis. At the point at which a learner is deemed fit to return to study, appropriate adjustments can be considered.

Stage 2 and 3 learners will be 'flagged' on the College Admissions system so that future applications are identified and the Fitness to Study process implemented to review their circumstances and identify potential support needs.

At all Stages, the learner is invited to take an active role in discussing concerns raised and the actions decided. However, in the event that the learner fails to attend a scheduled meeting or does not engage in the process, their case can be escalated to the next stage or at Stage 3, outcomes be decided in their absence.

5. Appeals against Suspension/Cessation of Studies

If the learner wishes to appeal against the decision of the Case Conference, the appeal must be made in writing to the Principal within 15 days of the date of the Case Conference and must specify the grounds on which it is based.

Appeals may be submitted by post, using proof of posting, to Clair Mapp, Executive Secretary or by email to clair.mapp@cymoedd.ac.uk. Appeal documents sent by email should be in portable document format (pdf). It is advised that the email should be copied to the learner themselves, for safety.

An appeal may be lodged on one or more of the following grounds:

- that evidence is available, which for good and reasonable cause has not been brought to the attention of the Chair of the Case Conference, or
- that there has been a relevant and significant error in the operation of procedures of the Fit to Study policy
- that in reaching its decision and/or recommendations those present at the Case Conference exhibited bias or prejudice against the learner.

An appeal can be rejected if it is out of time, or not lodged in accord with the allowable grounds.

Upon receipt of the written appeal, a response will be sent to the learner within 10 working days, and the College aims to complete a fitness to study Appeal Hearing within 21 working days of the appeal being lodged.

The learner will be invited to attend the appeal panel meeting and may choose to be accompanied by parents, guardian, carer, partner or other person to support them at the meeting, including a medical/health representative or other relevant support professional (not legal representative)

The Fit to Study Appeals Panel shall be drawn from a pool of staff members and from outside the learner's School.

Any person who was involved in earlier stages of the Fitness to Study process shall take no part in the meeting of the Fitness to Study Appeals Panel (except for the purposes of presenting a report).

The Fitness to Study Appeals Panel can decide to uphold, amend or withdraw the original decision.

6. Investigatory & Disciplinary Procedures

There are occasions where a learner who is experiencing fitness to study issues may behave in such a way as to invoke the Learner Disciplinary Procedure. In such cases, they will not necessarily be exempt from investigation and potential disciplinary action. Each case will be considered on its own merits, with due regard given to issues relating to their health and the Fitness to Study policy.

7. Fitness to study at the point of application to College

The College welcomes applications from individuals' with physical and mental disabilities, or learning difficulties, and encourages them to make prior contact with its' Learner Services so that College staff can advise them on what facilities and arrangements may be available to support them.

All applicants can meet with Learner Services Support staff to discuss individual needs and potential support requirements but anyone who have previously undergone a Fitness to Study review at Stage 2 or 3 in the College and who wishes to return to or commence a new programme of study, will be required to meet with Learner Services Support staff to discuss their fitness to return to study and identify any on-going support needs.