

Fitness to Study Policy for Learners

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1. Aim

At Coleg y Cymoedd we are committed to providing a safe and supportive environment within which all learners can reach their full potential. This policy and procedure takes a trauma-informed approach to support, and is intended to assist learners where their mental or physical health is causing a barrier to learning. The policy describes the procedures and support available to both learners and staff when a learner becomes unwell and/or presents a risk to self and/or others.

What is ‘fitness to study’?

Fitness to study relates to a learner’s capacity to engage in learning at college because of issues relating to physical or mental health difficulties, including difficulties arising from a disability or long-term health condition. The Fitness to Study procedure should be followed if these difficulties are affecting the learner’s academic progress or success in college. It is not intended to be used as part of a disciplinary process.

Coleg y Cymoedd is committed to supporting all learners in ways that meet their individual needs appropriately, including identifying and implementing reasonable adjustments where appropriate.

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 offers an effective framework where issues relating to a learner’s physical or significant mental health difficulties (that are preventing them from succeeding at college) are given support, rather than managed through disciplinary action. It is therefore not to be used for classroom management or conduct concerns.

This policy:

- enables a positive approach to the management of physical and mental health difficulties, and acts to support an individual’s learning, their academic achievement and to improve learner experience.
- provides a co-ordinated approach to the management of a situation that has extended beyond the usual pastoral support (provided through Coleg y Cymoedd’s Universal Learning Provision) given within the college.
- identifies the appropriate response required from teaching and support staff.
- helps identify a process whereby reasonable adjustments can be implemented, and actions agreed.

- identifies the limits to the support that college staff can provide and therefore signposting to other agencies can be utilised as appropriate.
- sets out what the learner can expect and their role in the process, including the setting of targets. Where an Individual Development Plan (IDP) is in place for a learner with Additional Learning Needs (ALN), the document will be updated/revised to reflect the agreed plan of action that supports the needs of the learner. *Please refer to The Additional Learning Needs Code for Wales 2021 [here](#).*

3. Grounds for Concern

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

- when a learner has told a member of college staff that they have significant physical or mental health difficulties, that indicates that there is a need to address their fitness to study;
- when an incident has occurred that would usually be dealt with as a disciplinary matter, but there is evidence (to the satisfaction of their Head of School) to show that the behaviours causing staff concern are the result of underlying, significant physical or mental health problems; or
- when 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 because of their physical or mental health difficulties.

The Fitness to Study procedure follows a graduated response and most cases will start and be managed at Stage 1. The process 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 requires input from the Head of Wellbeing & Safeguarding or a Director of Learner and Campus Services, a learner may be referred straight to Stage 3. Significant concerns are any that put the health, safety or wellbeing of the learner, or other members of the college community, at serious risk. At all stages, the learner will be encouraged and supported 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, and outcomes may be decided in their absence.

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.

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 will manage this stage of the process. 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 will talk to the individual in a sympathetic and understanding manner, sensitively discussing concerns about their fitness to study.

Staff will:

- Identify the nature of the concerns clearly and encourage a discussion, identifying barriers to the learner's success and possible solutions.
- Give the learner information about support available in college, and encourage them to have an initial discussion with support teams, even if they are reluctant to accept support at first.
- Contact the Wellbeing team for advice and support.
- Make all referrals necessary to support the learner (e.g., wellbeing team, ALN team, ULP Coach support, Learner and Campus Services). Early intervention is essential and may avoid crises from occurring.

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:*

*a) refer them to learner support so that appropriate support can be arranged.
Or*

*b) 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, 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 therefore meet their needs. 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.*

- Make contact with home, as appropriate, and seek the involvement of parents/ carers as needed.
- Agree key targets and actions to help remove barriers that have arisen through the discussion. These will be individual to the learner and their circumstances.

- 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. Where an Individual Development Plan (IDP) is in place for a learner with Additional Learning Needs (ALN), the document will be updated/revised to reflect the agreed plan of action that supports the needs of the learner.
- Make clear how the learner's participation and/or progress is monitored, together with time scales in which improvement is expected.
- Inform Head of School and seek their involvement if necessary.
- Organise a Team Around the Learner meeting if appropriate (the Wellbeing team can support with this).

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

- **Learners should be encouraged to:**
- Seek help in college as early as possible by speaking with Personal Tutor (or other staff) or accessing support on their campus.
- 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).

Stage 2 - Continuing or escalating concerns

If, despite reasonable adjustments and support provided, the barriers to success remain, or concerns for the learner's fitness to study escalate, learners should be referred for a Stage 2 meeting with the Head of Wellbeing and Safeguarding and Head of School. Referring staff should complete and submit the Fitness to Study Stage 2 Referral Form with full details of Stage 1 actions. Stage 2 cannot commence until Stage 1 is completed, including all information from Stage 1. Stage 2 referrals will be returned if there is incomplete information or insufficient action has taken place at Stage 1.

The learner will be sent an invite to attend a Stage 2 meeting (see appendices) with the Head of Wellbeing & Safeguarding who will manage the meeting. Other key members of staff will be invited according to the learner's needs and their engagement with other support services. For example, ALN Support Team Leaders (or appropriate colleagues within the ALN team) should attend meetings regarding learners with ALN.

The learner may choose to be accompanied by another person (not legal representative) and invites are also extended to parents/guardian/carers, healthcare or other support professional and relevant other. The college will take a person-centred approach to the gathering and presentation of information as needed.

The meeting is to hear the learner's view of the barriers they are experiencing and what is not working, and to hear from staff who know the learner to discuss the impact of their physical or mental health difficulties. 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. Where an

Individual Development Plan (IDP) is in place for a learner with Additional Learning Needs (ALN), the document will be updated/revised to reflect the agreed plan of action that supports the needs of the learner.

Staff will:

- 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 believe the learner needs 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, or additional causes for concern arise, a referral to Stage 3 should be made.*

Learners should be encouraged 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~~ Contribute as much as possible to setting actions so that they are meaningful, realistic and achievable

The written outcomes and action plan (or reviewed and updated IDP where appropriate) 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.~~ The HoS will ensure information is shared with relevant staff within the School and wider college teams as necessary. In some circumstances, external/ and/or specialist support may be recommended.

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. At this point a discussion will be held to agree actions to support the learner's destination, with input from the Futures team. These actions could include a referral to Careers Wales or other external support agency.

Stage 3 – Serious or Persistent Concerns

Where serious or persistent concerns are raised about a learner's actions or behaviour that put themselves 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 be chaired by an

Assistant Principal, who will have been sent all relevant paperwork relating to the case. The purpose of the meeting is to review all previous actions and hear from all relevant participants to gain a holistic view of the learner's current circumstances.

Those present at the Case Conference may include:

- Head of Wellbeing & Safeguarding
- The Director of Learner and Campus Services or a nominated representative
- Learner
- Head of School
- Course Tutor/School representative
- Appropriate representatives from the college support teams
- Parents, guardian, carer, partner or other person chosen by the learner
- 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. Where an IDP is in place for a learner with ALN, this will be updated to reflect the agreed plan of action. A copy of the agreed action plan or IDP will be shared with meeting participants and can be shared with other college staff as needed to support the learner.

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 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 for their own, and/or others' safety. 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 evidence that progress has been made, or change has occurred, that mean the previous barriers to success have been removed/managed. This could include medical evidence from their GP or other approved health professional that states 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 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. **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 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.

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; or
- 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 Fitness 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 all individuals with additional support needs, 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 college support teams to discuss individual needs and potential support requirements. Any returning learner who has previously undergone a Fitness to Study review at Stage 2 or 3 in the college will be required to meet with the HoS (and DLCS as appropriate) to discuss their fitness to return to study and identify any on-going support needs.

A learner who has reached Stage 2 or 3 of the Fitness to Study procedure 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, including repeating periods of study if needed. The ability to return will depend upon the feasibility and reasonableness of such a proposal, including evidence that the learner's situation has changed since they were previously at college (e.g., learner has accessed support from Health services and is managing, or no longer experiencing, the difficulties) 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 will be considered. Where an IDP is in place, this will be revised on return to study and maintained as before.