



FITNESS TO STUDY POLICY

Approved:

Review Date: July 2021

Author: Executive Team Member with Responsibility for Student Management

1.0 Policy Statement

1.1 Harlow College and Stansted Airport College aim to provide a healthy, safe and secure environment in which the health, welfare and wellbeing of learners is recognised as being paramount to support effective learning. The College recognises that good health and wellbeing will reduce absenteeism and improve performance. The College is committed to:

- Promoting healthy lifestyle choices.
- Working with local and national partners to provide a range of services and support groups to improve the physical, emotional and sexual health and wellbeing of our learners.
- Empowering individuals to develop the knowledge and understanding to make informed choices about their health, wellbeing and safety, and reduce risk-taking behaviour.
- Providing a clear 'fitness to study' process by which it seeks to manage the progress and achievement of learners who are displaying visible signs of illness/behaviours of significant concern (including mental health difficulties, psychological, personality or emotional disorders) which may have a negative impact on the individual and/or others around them.

1.2 The College has a zero tolerance approach to illegal drugs and instances of alcohol and illegal substance misuse will be dealt with through the College Student Disciplinary Policy or with support if appropriate.

1.3 This policy will support the implementation of our Vision. "Not just Courses. Careers."

2.0 Scope

2.1 The scope of this policy will be all learners studying at Harlow College and Stansted Airport College.

3.0 Values

3.1 This policy will be implemented in a manner that embraces our "Values":

- Students at the heart
- Be your best, be your future
- Work hard, work together
- Be innovative and enterprising

4.0 Harlow College and Stansted Airport College Commitment

4.1 Promoting healthy lifestyle choices, by:

- providing free drinking water
- providing and promoting healthy options in the food court and food outlets
- raising awareness of healthy lifestyle choices through the tutorial programme
- providing information on and making referrals to local support services.

- 4.2 Working with local and national partners to provide a range of services and support groups to improve the physical, emotional and sexual health and wellbeing of our learners.
- Work with local support services to provide individual and/or group support in response to specific identified needs.
 - Establish support groups for learners.
- 4.3 Empowering individuals to develop the knowledge and understanding to make informed choices about their health, wellbeing and safety, and reduce risk-taking behaviour.
- Invite local support services to attend College in line with national/international awareness events in order improve and support the health and wellbeing of learners.
- 4.4 Providing a clear 'fitness to study' process by which it seeks to manage the progress and achievement of learners who are displaying visible signs of illness/behaviours of significant concern (including mental health difficulties, psychological, personality or emotional disorders) which may have a negative impact on the individual and/or others around them.
- Early intervention is crucial so learners are encouraged to disclose any disability or illness to the College, both pre or post enrolment, to help any necessary adjustments to be made and their needs met.
 - Regular learning reviews reflect on and when necessary revise any adjustments being made to ensure learner needs continue to be met.
 - Learners are encouraged to seek appropriate support and if necessary are supported in taking that initial step.
 - Learners should be involved in the management of their own mental and physical wellbeing wherever possible. However, there may be times when a learner is unable or unwilling to engage with the process. Lack of engagement with the process may lead to the Student Disciplinary Policy being invoked.
 - This process is intended to be used as an alternative to the Student Disciplinary Policy where there is sufficient concern that a learner's behaviour, resulting in a possible disciplinary response, could be as a result of disability, ill health or have an impact on the health and safety of the learner or other persons. Any decision made on a learner's fitness to study will be made through a collective process of consideration of the ability to study, learn, complete their course and achieve the qualification/s.
 - In responding to and managing situations where a learner's fitness to study is a concern, the College remains mindful of its duty and its obligation under the Equality Act 2010 and the Data Protection Act 1998.
 - 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.

5.0 Fitness to Study Process

5.1 A learner's fitness to study may be brought into question as a result of a wide range of circumstances. These include but are not limited to:

- 5.1.1 Serious concerns about the learner emerging from a third party (e.g. friend, partner, placement provide, multi-agency partner) which indicates that there is a need to consider their fitness to study.
- 5.1.2 A learner has told a member of the College's staff that they have a problem and/or provided information which indicates that there is a need to consider their fitness to study.
- 5.1.3 A learner has not engaged with study for a period of time without any reason being given.
- 5.1.4 The learner's disposition is of concern and indicates that there may be a need to address an underlying mental health issue. For example, if a learner has demonstrated mood swings or unusual behaviour, shown signs of depression, become withdrawn/distressed/irritable/aggressive, or is becoming intimidating to others.
- 5.1.5 Behaviour, otherwise dealt with as a disciplinary matter, which is considered may be the result of an underlying physical or mental health problem.
- 5.1.6 The learner's academic performance, physical behaviour or demeanour is not acceptable and this is thought to be the result of an underlying physical or mental health issue.

5.2 In advance of this process being invoked, informal discussion(s) between the learner and their tutor may be initiated by the learner or the member of staff, where initial concerns about the learner's behaviour and/or health became apparent. This should provide the learner with the opportunity to discuss their perception of the matter. It is hoped that in most cases issues can be resolved at the informal stage and that learners will respond positively.

5.3 Where it is suspected that a learner's behaviour may be related to an ongoing or emerging mental health issue the Safeguarding Officer must be consulted and a safeguard log made.

5.4 Any informal discussions, advice and actions should be recorded on ProMonitor.

5.5 Formal intervention: Stage 1 – emerging or initial concerns about a learner's health, behaviour or mental wellbeing are raised.

- 5.5.1 A safeguarding officer should talk to the individual in a sympathetic and understanding manner, indicating that there are concerns about the learner's fitness to study, clearly identifying the nature of the concerns. The learner should be encouraged to discuss the

issues, including the potential impact on themselves and others.

- 5.5.2 It should be made clear to the learner that, whilst the College has a duty of care to support learners, ultimately the learner is responsible for their own health and wellbeing and fitness to study.
- 5.5.3 Key points, agreements and targets arising from this discussion should be recorded on ProMonitor and communicated to the learner, including a date set to review progress and the safeguard log updated.
- 5.5.4 Information should be provided on other sources of support the learner can access, and if necessary, the learner supported in making initial contact.
- 5.5.5 Where a learner discloses a disability (including mental health condition and specific learning need such as ADHD, ASD) to any member of staff, the member of staff must ask the learner if they would like support and if so direct them to the Learning Support Manager so that support can be arranged. If the learner does not want to share this information they should be advised that the College will find it difficult to make reasonable adjustments to their needs. If the member of staff is one of the learner's tutors, they should make any reasonable adjustments that they can in their sessions.
- 5.5.6 Learners should be advised that if the concerns continue or any additional cause for concern arises, or they refuse to engage in the process, this could result in consideration of their fitness to study being taken to the next stage (stage 2).
- 5.5.7 Inform the parent or guardian if under 18 years old

5.6 Stage 2 – continuing and/or significant concerns. If there is no improvement in the situation and/or the learner continues to exhibit behaviour that is causing significant concern they will be called to a **referral meeting** with the Designated Safeguarding Lead. This meeting is mandatory so refusal to attend may result in escalation through the stages of the process.

- 5.6.1 During the meeting the learner's perception of the issues and impact will be discussed and an agreed action plan put in place with formal expectations for the learner to observe. Where academic adjustments are required, these will be communicated to the appropriate staff. Examination/Assessment adjustments must be referred to the Learning Support Manager for assessment of need.
- 5.6.2 The action plan must be recorded on ProMonitor and will have a specific review date, and the consequences of not meeting the agreed actions must be clearly outlined to the learner. This may include moving to stage 3 of the process, where the suspension or cessation of studies may be considered. The safeguard log will be updated.

5.6.3 Inform the parent or guardian if under 18 years old

5.7 Stage 3 – Serious or persistent concerns. Where an individual's actions or behaviour 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 the process will be invoked and a **case conference** called to discuss the situation. The learner will be advised of the case conference in writing; parent or guardian will be informed if under 18 years old.

5.7.1 Attendees at the Case Conference may include:

- The Vice-Principal Curriculum, Quality and Support (Chair)
- Designated Safeguarding Lead
- Director of Student Services
- Assistant Academy Manager
- The learner and any representatives (parent, guardian, enabler, partner, social worker)

5.7.2 The case conference will determine and agree the outcome:

- An enhanced action plan, which may include a suggested change in mode of study (e.g. location, times). This must be recorded on ProMonitor.
- Suspension of studies on health and wellbeing grounds to allow for remedial actions to take place (e.g. stabilisation of medication)
- Cessation of studies on health and wellbeing grounds, where it is considered that the limits of reasonable adjustments have been reached at that time.

5.7.3 The consequences of not adhering to the enhanced action plan will be either suspension or cessation of studies on health and wellbeing grounds.

5.7.4 Provision will be made for a learner who has been suspended from studying to continue their studies from home, wherever possible.

5.7.5 A learner who is suspended should not attend College without permission. Permission may be granted to review work carried out at home and to attend examinations. This will be communicated by letter.

5.7.6 The suspension will not be lifted until the learner has provided appropriate evidence from their GP or other medical professional that the learner is fit to return to study.

5.7.7 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 declined to take up 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.

- 5.7.8 The College will make every effort to allow the learner to enrol at the College again at a suitable future date. The ability to return to a new or to repeat a course of study will depend upon the feasibility and will be decided on a case by case basis.

5.8 Appeals against suspension or cessation of studies

- 5.8.1 A learner wishing to appeal the decision of the case conference must make their appeal in writing to the Principal within 10 working days of the date of the case conference specifying the ground on which it is based. An appeal may only 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 the fit to study process.
- 5.8.2 An appeal can be rejected if it is out of time, or not lodged in accord with the allowable grounds.
- 5.8.3 Upon receipt of the letter of appeal, a response will be sent to the learner within 10 working days, and a **fit to study appeal panel** will be convened within 21 working days.
- 5.8.4 No College personnel from the original case conference shall take part in the fit to study appeal panel (except for the purposes of presenting a report)
- 5.8.5 The fit to study appeal panel can decide to uphold or withdraw the original decision. The appeal panel's decision is final.

6.0 Monitoring and Review

- 6.1 This Policy has been approved by the College Governors and is to be reviewed every two years.
- 6.2 The internal monitoring of the implementation of this policy will be the responsibility of the Executive team member with responsibility for Student Management.

TRACKING and REFERENCE INFORMATION
Date Approved:
Review Date: Every 2 years
Author/Responsibility: Executive Team Member with responsibility for Student Management
Equality Impact Assessment: TBA
<p>List of related policies, procedures and other documents:</p> <p>Safeguarding & Prevent Policy Data Protection Policy Student Code of Conduct Student Disciplinary Procedure Equality & Diversity Policy Student Attendance and Punctuality Policy Student Academic Performance Policy</p>
<p>Complaints: If you wish to submit a complaint about the application of this policy or the procedure of it, please send your request in accordance with the provisions of the Grievance Procedure.</p>
<p>Monitoring: The application of this policy and associated procedure will be monitored by The Executive Team Member with Responsibility Student Management.</p>
<p>Easy reading: To receive this policy/procedure in a different format, please contact HR Services.</p>