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Fersiwn: **Version**	V1	
I bwy mae'r Polisi hwn yn berthnasol? **Who does this Policy Relate to?**	Myfyrwyr / Staff / Myfyrwyr a Staff / Arall (rhowch fanylion) Students	

Cydraddoldeb ac Amrywiaeth / Equality & Diversity

Dolen at Gam 1 Asesu Effaith (ar Gydraddoldeb a'r Gymraeg): / Impact Assessment Stage 1 (Equality & Welsh) link:	*Fitness to Study Policy Welsh and E&D Impact Assessment Stage 1*
Effaith ar yr Iaith Gymraeg *Mae asesiad effaith wedi'i gynnal ar y polisi hwn i ystyried ei effaith ar yr Iaith Gymraeg yn unol â Safonau'r Gymraeg (94-104) a Mesur yr Iaith Gymraeg (Cymru) 2011.*	*Welsh Language Impact* An impact assessment has been carried out on this policy to consider its effect on the Welsh Language in accordance with the Welsh Language Standards (94-104) and the Welsh Language (Wales) Measure 2011.

Adolygu a Chymeradwyo / Review and Approval

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Anfonwch y ddogfen wedi ei chymeradwyo i'w chyfieithu gan ddefnyddio'r Ffurflen Cais Cyfieithu
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Rhifwch bob adran a pharagraff

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Fitness to Study Policy

1. Purpose

1.1 The College is committed to providing learners with individualised academic, pastoral and welfare support that enables them to make progress and build resilience. The purpose of this Policy and Procedure other internal procedures is to provide a supportive and coordinated response to dealing with matters when a student's health or wellbeing is having a detrimental impact on their (or others') ability to progress academically and/or function in the college community effectively and all other avenues have been exhausted.

1.2 This policy should only be used in exceptional cases to provide a suitable and co-ordinated response by academic and professional support staff in circumstances where:

- The situation is deemed urgent; and
- Other internal procedures are not appropriate
- All other avenues within the College have been exhausted.

1.3 If there is a potential overlap between this procedure and other College policies, the College reserves the right to suspend action under this procedure if it considers that the matter would be more appropriately dealt with under another procedure.

2. Scope

2.1 This Policy and Procedure applies to all learners on all programmes across the College, (not including 14-16 School link learners), and is intended to promote positive attitudes to learners to maintain wellbeing and offer/extend support available. The College has a duty of care to respond appropriately to situations where there are concerns relating to either the physical or emotional functioning of the learner and the impact on both the learner and others.

2.2 The College will take a consistent and sensitive approach to situations which may become difficult by working with the learner to ensure studies they undertake do not exacerbate any condition which may mean working with the Inclusion Team transferring to a more suitable course or temporary suspension of study.

2.3 The policy applies to Higher Education learners where a university partner does not have a policy in place.

2.4 This policy does not relate to fitness to practise. Certain professional

programmes

have fitness to practise procedures which operate outside the scope of this policy. Where there is a concern relating to fitness to practise this will only be addressed after the issues identified have been considered under the Fitness to Study Procedure.

3. Key Principles

3.1 Fitness to Study relates to an individual's capacity and ability to engage safely and satisfactorily as a learner, in relation to academic, social, work based learning, and enrichment activity whilst in college. This Policy can be used to support learners when they present a risk to themselves and/or others. This Policy will be used when:

- There are concerns about a learner's fitness to study at the College and due to their ability to meet the learning outcomes of the course, notwithstanding reasonable adjustment.
- There is a negative impact on the health, safety, wellbeing and/or learning of the learner and/or others with whom they have contact.

3.2 The College will make non-judgemental/discriminatory decisions whilst being consistent and sensitive, with the appropriate level of intervention. The College may refer individuals to external professional support and they may be asked to supply written confirmation in relation to an individual's fitness to study.

3.3 Learners with a mental health condition and/or physical disability are entitled to reasonable adjustments and appropriate support in relation to relevant legislation eg. Equality Act 2010, Additional Learning Needs Code for Wales 2018. Reasonable adjustment means ensuring there are steps to ensure learners are not placed at a disadvantage due to their disability/difficulty or additional need.

3.4 It is envisaged if early intervention measures are put in place and recommendations for support are followed, a crisis situation can be avoided.

3.5 In determining whether action should be taken under this policy and procedure reference will also be made to the following Policies and Procedures;

- Student Code of Conduct
- Data Protection Policy
- Information Retention Schedule
  - Information Security Policy (sub policy: Acceptable Use Policy)
- Health and Safety Policy and Procedures
- Safeguarding Policy
- Equality Action Plan

3.6 In line with the Welsh Language Standards, all meetings, correspondence and support services that form part of the procedures below will be offered in Welsh.

4. Responsibilities

4.1 It is the College's responsibility to ensure all personal and sensitive information will be managed in accordance with the General Data Protection Act 2018 and the common law of confidentiality. There may be occasions where the College is obliged to disclose information, notwithstanding that the learner has refused consent, such as where the learner's behaviour threatens their own safety/safety of others the College would be liable to civil or criminal liability for failure to disclose.

4.2 If any concerns are raised whilst the learner is on an external placement, the College will discuss these concerns with the placement provider and alternative arrangements may be made to address the concerns raised.

4.3 If a learner has been suspended from college or detained under the Mental Health Act they will not be allowed to enter any College site or participate in any College onsite activity. There may be exceptional circumstances and permission will be given for attendance at a meeting, either with a support service, to attend a review or to sit an examination. This permission will be granted at the discretion of the Head of Learner Services following discussion with the relevant Assistant Principal.

4.4 Where a learner returns to their studies following a suspension it is the responsibility of the Progress Coach/Personal Tutor to hold regular review meetings to monitor and support an action plan. This may be for part or all of the learner's remaining time at College. The learner will be expected to positively engage with these meetings.

5. Fitness to Study Procedure

5.1 A learner's fitness to study may be brought into question for many reasons and in a wide range of circumstances. These include (but are not restricted to) the following:

- Serious concerns about the learner from a third party (ie. friend, colleague, placement provider, member of the public, medical profession etc.)
- The learner has informed a member of staff and/or provided information which indicates that there is a need to question their fitness to study.
- The learner's disposition is such that it indicates that there may be a condition which is having a significant adverse impact on their health or which causes difficulty making adjustments of a reasonable nature.
- The learner exhibits behaviour, which would otherwise be dealt with as a misconduct matter, but which may be the result of an underlying physical or mental health problem.
- The learner's academic performance or physical behaviour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

5.2 The Fitness to Study procedure has three stages, and depending on the severity of the situation and seriousness of any perceived risks, action may be initiated at any of the three stages.

Stage 1 - Initial Concern

5.3 The Progress Coach/Personal Tutor supported by a member of the Student Services Team i.e Welfare Officer will arrange to meet and discuss with the learner the precise nature of the behaviour that has caused the initial concerns about their fitness to study. Information should be provided for the learner on services available ie. Student Services, Chaplaincy, Counselling, Resilience Coaches. Learner's will be given the opportunity to explain their own views on the matter, and be encouraged to access one or more of the support services offered by the College. The Progress Coach/Personal tutor w ill meet with the learner after 2 weeks to ensure improvement.

5.4 It is anticipated that in most cases issues can be resolved at this stage. The Progress Coach/Personal Tutor must log on the learners' pastoral record the agreed actions with a review date. At the review if concerns have been addressed satisfactorily it will be noted as resolved, however, if there are mitigating circumstances a further review period may be agreed. If the concerns have not been resolved the case will escalate to Stage 2 of this procedure.

Stage 2 - Continuing Concern

5.5 Where there is continuing concern the learner will be invited to meet with the Curriculum Director of the area of study, and the meeting should include a member of the Student Services Team and/or the Inclusion Team for that area to discuss the issue. Together they can determine the learner's perception of the impact of their health or behaviour and consider whether the learner is able to participate as a learner, in relation to academic studies and life generally at college and as to whether any support needs can be met by the College's support services. Medical evidence may be presented for consideration.

5.6 This is not a 'medical' decision but based on a professional review of all the evidence. The learner may be accompanied at the meeting by a representative, a parent/guardian, family member, health practitioner or care/support worker if required.

5.7 An Action Plan will be devised to support the learner and formally agree expectations. A formal record will be kept and if the learner is aged under 18 years old parents/guardians will be informed. The learner will be informed of the consequences of non-compliance with the action plan, which may consider moving to Stage 3 of the Fitness to Study Policy.

Medical Evidence

5.8 If a medical assessment is required a member of the Student Services Team will meet with the student to explain the background to the request and to obtain written consent from the learner.The College recognises that any such information disclosed will constitute "sensitive data" which will be handled in line with the General Data Protection Regulation (2018). If the learner refuses to provide medical information the College will continue this procedure based on all the information already in its possession. The

medical assessment will be used to determine the following:

- the nature and extent of any medical condition
- the prognosis
- the extent to which it may affect the learners' fitness to study and manage the demands of college 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 effectively
- whether the learner will be receiving any on-going medical treatment or support

Stage 3 - Fitness to Study Case Review Panel (Immediate or Persistent Concerns)

5.9 Where there are immediate, significant or persistent concerns (for which there is clear evidence of previous action taken)raised about a learner's actions/behaviour that may put the health, safety, wellbeing of themselves or others at risk a Fitness to Study Case Review Panel meeting will be convened by the Head of Learner Services to discuss.

5.10 Wherever possible the student will be given at least 5 days' notice of the meeting of the Fitness to Study Panel. The learner will be informed of the purpose of the hearing and prior to the meeting will be provided with any documents to be considered at the meeting and asked to provide any documentation he/she may wish the panel to consider.

5.11 The learner may be accompanied at the meeting by a representative, a parent/family member, health practitioner or care/support worker if required. In the case of a looked after learner or a learner with an Individual Learning Plan (ILP) the Fitness to Study Panel will be in consultation with the Local Authority.

5.12 Those present will include :-

- Assistant Principal for the curriculum area
- Progress Coach /Personal Tutor
- Safeguarding Coordinator
- Mental Health Practitioner

5.13 The purpose of the meeting will be to consider the evidence available, including the learners's perception of the concerns which have been identified and to reach a decision on the appropriate way forward.

5.13 The Case Review Panel meeting may decide:

- to formally monitor the learner's progress for a specified period of time. In this case an action plan will be agreed with the learner. The action plan will outline any steps the learner will need to take and/or any support that has been agreed by the College. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken by the directorate. Regular review meetings will be arranged

with the learner and the Progress Coach/Personal Tutor to ensure that the action plan is being appropriately followed and/or that reasonable support is being provided. ● That changes are made to the learners' study arrangements for a fixed period of time which could include a change from full-time to part-time study, the introduction of special academic arrangements for a specified period of time.

- Where the learner is on external placement, to propose that the learner suspends the placement.
- In agreement with the learner, make recommendations that their studies be suspended for a mutually agreed period of time. In the case of a HE student, any period of intercalation to be considered within the context of the partner HEI/Awarding Body guidelines.
- The learner will be informed of the consequences should these arrangements fail to remedy the concerns identified to the College's satisfaction.

5.14 If the recommendation is temporary suspension then this will be immediate and the learner will be notified in writing within 7 days of the Case Review Panel meeting by the Head of Learner Services. Parents/guardians/external agencies/employers/local authorities will be informed if appropriate. Any suspension will be subject to a review with possible medical

evidence from the learner to be considered. A formal record will be kept and parents/guardians of under 18 year old learners will be informed.

6. <u>Suspension during Fitness to Study Assessment</u>

6.1 In a very small number of circumstances, it may be determined that a learner poses a very high risk to themselves or the College. In these circumstances, the Deputy Chief Executive Officer (People Experiences and Culture) or another Senior Post Holder may authorise the suspension of a student whilst an assessment of their fitness to study takes place. Any learner who has been detained under the Mental Health Act will also be referred for a suspension.

6.2 A learner who is subject to a suspension from study is not permitted to enter College premises or participate in any College activities. The suspension may, exceptionally, be subject to qualification, such as the permission to take an examination or to enter the College premises to attend a meeting with a support service, such as the Student Counselling.

6.3 The terms of the suspension will be individual to each case and will be notified to the Learner in writing, with a copy of such correspondence being sent to parents/carers if the student is aged under 18. A learner will be marked as 'fitness to study: suspended' on their student record during the period of suspension. A stage 3 Case Review Panel will be convened to consider the return to study of any learner suspended under this procedure.

7. <u>Appeal</u>

7.1 A learner may appeal against a decision of the Case Review Panel meeting on the following grounds:

- the College has failed to follow its own procedure
- the decision is unreasonable
- there is further evidence which could not have been reasonably expected to have been submitted for consideration by the panel.

7.2 Any request for an appeal should set out the grounds for the appeal and be submitted within 10 working days of notification in writing to the Vice Principal of the curriculum area. An appeal hearing will be arranged within 10 college working days of receiving notice of the request for an appeal.

7.3 The learner will be given at least 5 college working days' notice of the time and place of the appeal interview and will be entitled to be accompanied by a friend/colleague/parent/guardian/external agency representative.

7.4 The decision by the Vice Principal will be confirmed in writing to the learner within 5 college working days. The decision reached will be final and there is no further right to appeal.

8. Monitoring and Review

8.1 This Policy will be monitored and reviewed every three years by the Head of Learner Services. In monitoring the impact of this procedure, the College will have due regard to the College's Equality and Diversity Policy and its general Equality Duty.