



Wirral Met College

Fitness to Study Policy

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1. Introduction

Fitness to study relates to an individual's capacity to engage satisfactorily as a student, including in relation to academic matters and life generally at the College.

- 1.1 Students are entitled to reasonable adjustments if they have a Special Educational Need or Disability.
- 1.2 Students with a Special Educational Need are covered by The Children and Family Act 2014 up to the age of 24.
- 1.3 The definition of disability in the Equality Act includes people with long term health conditions such as asthma, diabetes, epilepsy, and cancer. Disabled children and young people without SEN are not covered by The Children and Family Act 2014 or the SEN Code of Practice but are covered by provisions elsewhere in legislation, including in the Children Act 1989, the Equality Act 2010 and the Health and Social Care Act 2012.
- 1.4 Reasonable adjustment means ensuring that there are reasonable steps to ensure students are not placed at a 'substantial' disadvantage due to their disability or difficulty.
- 1.5 Criteria for judging 'reasonable' are that they do not compromise academic standards, health and safety or the relevant interests of other people including other students. The college has a duty of care to all users and the Health and Safety of those users is paramount.
- 1.6 All reasonable adjustments should be financially reasonable and practical. The funding of support for qualifying (funded) students is enabled through funding from the educational funding bodies and Local Authority or the Disabled Student Allowance (DSA) and removes barriers to success and achievement by making reasonable adjustments.
- 1.7 In a small number of cases during their time at college students may become unfit to study when, with or without their awareness of it, they may display inappropriate behaviour, endanger themselves or others, disrupt other students or hinder the proper functioning of the college.
- 1.8 Students may also become unfit to study when prolonged or regular short term absence prevents them from attending their timetabled sessions, and arises out of a mental or physical health condition or a disability and persists despite all reasonable adjustments having been made to accommodate it.
- 1.9 The Fitness to Study Policy should only be used in exceptional cases where other college policies and procedures are inappropriate. This policy is only applicable if the college has reason to believe that the particular issue of concern regarding the student (e.g. behaviour; attendance; progress) is a direct result of an identified Special Educational Need or Disability.
- 1.10 If at any time in the opinion of the College it is more appropriate to proceed under the Disciplinary Procedure, the Academic Support Policy and Procedure, or other

associated policies the College shall have the right to do so.

- 1.11 Wherever action under these procedures is undertaken, all stages of the procedures should be progressed as speedily as possible, whilst allowing time for an investigation where necessary.
- 1.12 There may be occasions where concern arises regarding the fitness to study of an applicant who has not yet enrolled at the college. See the 'Admissions' section below.
- 1.13 All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the common law of confidentiality.

2. Scope and Purpose

- 2.1 This policy and procedure applies to all full-time and part-time students of the College when they are at the College, and when they are travelling to and from the College on College transport, or on a College organised trip, work placement or event. They also apply when behaviour outside of the College has a detrimental impact on other members of the College community, e.g. cyber-bullying, or damages the College's name and reputation.
- 2.2 Pupils from local schools attending school link programmes will be subject to the relevant procedure of their own school.
- 2.3 These procedures apply to Higher Education students but may be amended for those students who are subject to relevant University procedures.
- 2.4 For apprentices action will be taken in liaison with the relevant employer wherever possible
- 2.5 The purpose of the procedures is to -
 - Support students for whom a mental or physical health condition or a disability may make them unfit to study at the time the procedures are instituted.
 - Ensure consistent and fair treatment in relation to action taken in response to allegations of unacceptable conduct or performance, in cases where it may not be fair or appropriate to use the Disciplinary Policy.

3. General principles

- 3.1 No decision regarding a student's fitness to study will be taken until the circumstances have been investigated. Each case will be considered on its merits and parents or guardians will be informed, as appropriate for students under the age of 18.
- 3.2 A student who has withdrawn consent for parental/guardian involvement in their education will be interviewed by the Safeguarding Manager to investigate how the student will be supported throughout the procedure.
- 3.3 At any stage during the procedure a Duty Manager, Curriculum Manager or

Assistant Principal (or staff acting with the authority of the Principal), may ask a student not to attend college while an investigation is being carried out.

- 3.4 The Additional Learning Support team will contribute and agree to the support requirements to help the student reach the acceptable standards of conduct, attendance or progress.
- 3.5 At every stage, a student has the right to be advised of the reason for these procedures being operated. If a student fails, without good reason, to attend a meeting which he/she has been advised to attend, the meeting can take place and a decision may be made in his/her absence.
- 3.6 Written records will be kept of all stages of the procedure.

4. Indicators of Concern regarding Fitness to Study

- 4.1 A student'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:
 - 4.2 Serious concerns about the student emerge from a third party (e.g. friend, colleague, placement provider, member of the public, employer, multi-agency partner, parent) which indicates that there is a need to address Fitness to Study.
 - 4.3 A student has told a member of the College's staff that they have a problem and/or has provided information which indicates that there is a need to address their Fitness to Study.
 - 4.4 A student has not engaged with study for a period of time without any reason being given. Absence may be a cause of concern.
 - 4.5 Behaviour, otherwise dealt with as a disciplinary matter, which is considered may be the result of an underlying physical or mental health problem.
 - 4.6 The student's academic performance, engagement with learning, behaviour or demeanour is not acceptable and this is thought to be the results of an underlying physical or mental health problem or disability.

5. Initial Support and Guidance to Students

- 5.1 In advance of this policy being invoked, informal discussion(s) between the student and their Personal Tutor may be initiated by either the student or the member of staff, where initial emerging concerns about the student's behaviour and/or health warrants. The informal discussion(s) should give the student the opportunity to explain their perception of the matter.
- 5.2 The student should be referred to one or more, as appropriate, of the support services offered by the College (e.g. Additional Learning Support; Counselling; Learning Mentor). It may be appropriate to look into the possibility of applying special academic arrangements to enable the student to study effectively (e.g. supplying a learning support assistant, making alternative arrangements for lectures/notes to be supplied). It should be made clear to the student where there

are concerns relating to their mental and/or physical health and the impact upon the individual and/or other members of the College community, that such concerns exceed any usual pastoral role and will need to be referred onto specialist support (including multi agency partners).

- 5.3 It is hoped that in most cases issues can be resolved at this informal stage, and that students will respond positively, taking advantage of the support available.
- 5.4 Where it is suspected that a student's behaviour may be related to an on-going or emerging mental health problem the relevant member of the Additional Learning Support team must be consulted.
- 5.5 Any informal discussions, advice and undertakings made by the staff concerned and/or the student should be documented on ProMonitor. In order to maintain sufficient levels of confidentiality, it may be appropriate to keep only minimal details on ProMonitor, with reference to a locally held or password protected file document.

6. Fitness to Study cases

- 6.1 At all stages of the process, a sympathetic and supportive approach should be taken. All staff involved must remain sensitive to the fact that the student's potential lack of fitness to study may not be entirely within their control. A collaborative approach should be attempted at all times, whereby the student is encouraged to take an active role in assessing and improving their fitness to study if at all possible. Staff should be mindful of the fact that the student may be unaware of the concerns, or may wrongly assume that if the issues of concern are related to a disability or health condition then the college is obliged to allow their studies to continue regardless. They may therefore need help in understanding the concept of 'reasonable adjustment'.
- 6.2 The formal stages of the Fitness to Study procedures must only be invoked with authorisation from the relevant Curriculum Manager, and following consultation with the Additional Learning Support Manager or Assistant Principal, Student Support and Foundation Learning.
- 6.3 At each stage during the procedures, where decisions need to be made as to the student's fitness to study, the student or their parent /guardian, or other parties involved in the process, may make suggestions as to what support measures need to be put in place in order to enable the student's continued participation in learning. For example, the student may request an extremely high level of support. In such circumstances it must be made clear that the college is only required to make **reasonable** adjustments. There may be a need, at any stage, to adjourn proceedings while consideration is given to the suggestions in order to determine whether they are reasonable and viable.
- 6.4 Similarly to 6.3, a student or their parent/guardian, or other parties involved in the process, may suggest that flexibility is applied to expectations regarding the student's behaviour and that it needs to be accepted that the student may be unable to comply with the college's expectations regarding behaviour. In such circumstances, any flexibility granted must not have a detrimental impact on the

safety or wellbeing of other students or staff, and must not have a detrimental impact on the learning of other students.

Stage 1

- 6.5 The Personal Tutor should arrange to meet with the student to discuss concerns. The relevant Specialist Support Tutor from the Additional Learning Support team must be present at this meeting to support and advise.
- 6.6 The nature of the concerns should be clearly identified and, if appropriate, information should be provided about sources of professional support and advice available within the College. It should be made clear to the student that it is his/her responsibility to be fit to study, and that the concerns raised are being addressed within the Fitness to Study procedures.
- 6.7 The student should be encouraged to give their views about the situation.
- 6.8 The student and staff involved should agree on actions to address the concerns, and agree an appropriate review period. The student should receive a copy of this action plan, including planned review date(s), and a copy should also be stored on ProMonitor. The actions agreed should have the goal of resolving the Fitness to Study concern, so that the student is able to continue with their studies successfully.
- 6.9 It must be made clear to the student that if they are unable to achieve the goals set on the Action Plan, the concern may progress to Stage 2 or Stage 3 of the Fitness to Study procedure.
- 6.10 The relevant Curriculum Manager must be informed of the outcome of any action under Stage 1.
- 6.11 Where the student is under 18 years of age, their parent/guardian must be informed of the concern and of the outcome of the stage 1 meeting, (except in cases where the student has formally withdrawn consent for their parent/guardian to be involved in their education). Where the student is over the age of 18, the decision whether to involve a parent/guardian must be made by the student unless they do not have the capacity to make such a decision.

Stage 2

- 6.12 If concerns addressed at Stage 1 are not resolved, or if initial concerns are of a more serious nature, a Stage 2 Fitness to Study case conference may be held.
- 6.13 The Stage 2 Case Conference will be convened by the Additional Learning Support Manager, and the Personal Tutor and other relevant staff involved in the case (e.g. Learning Mentor; ALS staff) will attend. The student may be accompanied by a fellow student or parent/carer for support. They may also be accompanied by a member of the ALS team as appropriate to their needs. If the student is unable to attend the case conference, the meeting may take place in their absence with the outcome communicated to the student.

- 6.14 the student will be given reasonable notice of the areas of concern;
- 6.15 the student will provide notice to the College of any documents or witnesses he/she wishes to rely on at the case conference.
- 6.16 the student will be encouraged to give his/her point of view at the case conference, and to make suggestions as to the way forward
- 6.17 Depending on the circumstances, the chair may feel it helpful to seek medical evidence. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible, and to make an accurate assessment of the situation. The medical evidence will be used to determine the following:
- a) The nature and extent of any medical condition from which the student may be suffering;
 - b) Their prognosis;
 - c) The extent to which it may affect his/her fitness to study and manage the demands of student life;
 - d) Any impact it may have or risk it may pose to the student or others;
 - e) Whether any additional reasonable adjustments can be made by the College, in light of the medical condition, to enable the student to study effectively;
 - f) Whether the student will be receiving any on-going medical treatment or support.
- 6.18 In such circumstances the student will be asked to authorise full disclosure to the college of any such medical report, which will then be handled, processed and stored as 'sensitive data' in line with the Data Protection Act 1998. Should the student refuse to provide any requested medical evidence, the college may either continue this policy based on the information already in its possession, or use another appropriate means to address the issue.
- 6.19 In considering the outcome of a Case Conference, the chair must consider all factors, including but not limited to:
- The severity of the issue being discussed
 - Whether or not the student has complied with any previously agreed Action Plan
 - Whether the college has complied with its legal obligations to make reasonable adjustments, and with any previously agreed Action Plan
 - The likelihood that the area of concern being addressed can be successfully resolved
- 6.20 Possible outcomes from the Case Conference are:
- Resolution of all concerns within the case conference; no further action required
 - The setting of an Action Plan, to include:

- Support for the student, where appropriate;
 - Agreed academic/conduct related expectations for the student to observe;
 - Agreed actions with review dates;
 - Consequences of not adhering to the agreed actions;
 - Consequences of continuation of the causes for concerns, and a clear review date.
- A defined temporary break in learning to enable medical treatment/recovery, where there is clear evidence that this would be beneficial. Any such break would need to be short-term, and this is only an option if it is expected that the student would realistically be able to catch up on their studies following the brief absence
- 6.21 A record of the outcome of the Case Conference should be made, and distributed to all present, and a copy kept either on ProMonitor or in a confidential file held by the Additional Learning Support Department (depending on the nature and sensitivity of the content)).
- 6.22 Lack of engagement with any part of this procedure may lead to immediate escalation to Level 3 of this policy, or to formal disciplinary measures being invoked.

Stage 3

- 6.23 Stage 3 may be initiated due to:
- a) Serious or unresolved concerns about a student's actions, behaviour, health, safety, mental well-being and/or ability to study that have not been resolved via Level 2;
 - b) Persistent and/or serious significant concerns raised about a student's actions, behaviour, health, safety, or mental well-being that are putting the health, safety, well-being and/or academic progress of him/her self or other members of the College community at significant risk will, exceptionally, cause Level 3 to be initiated without reference to Levels 1 and 2;
- 6.24 The Stage 3 case conference will be convened by the Assistant Principal, Student Support & Foundation Learning; the Personal Tutor and other relevant staff involved in the case (e.g. Learning Mentor; ALS staff; ALS Manager) will attend. The student may be accompanied by a fellow student or parent/carer for support. They may also be accompanied by a member of the ALS team as appropriate to their needs. If the student is unable to attend the case conference, the meeting may take place in their absence with the outcome communicated to the student. The Vice Principal, Curriculum & Quality must be informed if a student is progressed to Stage 3 of this process.
- 6.25 The case conference will be conducted as per Stage 2 above, and must take into account all factors as per 6.19.

6.26 Possible outcomes from the Case Conference are:

- Resolution of all concerns within the case conference; no further action required
- The setting of an Action Plan (as per 6.16)
- A defined temporary break in learning to enable medical treatment/recovery, where there is clear evidence that this would be beneficial. Any such break would need to be short-term, and this is only an option if it is expected that the student would realistically be able to catch up on their studies following the brief absence
- A decision to withdraw the student from learning

6.27 The outcome of the Case Conference must be confirmed to the student in writing.

6.28 Any decision to withdraw a student due to Fitness to Study concerns must be reported to the Vice Principal Curriculum & Quality.

7. Returning to study

7.1 If a student has been withdrawn due to their fitness to study, they may re-apply for the same or a different learning programme at any point in the future subject to funding and meeting of normal entry criteria. In re-applying, the student must demonstrate that the concerns that led to their withdrawal have been adequately resolved. This may involve production of medical evidence, or other assessment (e.g. by a member of the college Additional Learning Support team).

8. Admissions

8.1 Wirral Metropolitan College aims to be accessible for as many people as possible, and has a wide range of support services to enable access to learning. However, there may be occasions where the college has concerns regarding the fitness to study of a potential student, e.g. due to information provided by the student, a parent/carer, their school, the Local Authority etc. Information about an individual's health condition, profound or complex needs, safeguarding issues, or social / emotional difficulties may raise concern as to whether the college is equipped to meet the individual's needs. In these cases there may be a need to conduct a more specialised interview or desk assessment to consider all factors

8.2 An appropriate multi-disciplinary college team will undertake the process with external involvement of the student, family, school or Local Authority as appropriate in each individual case.

8.3 A range of evidence may be utilised in the assessment which may include-

- The Statement of Special Educational Needs
- Education, Health and Care Plan

- Medical evidence
- Psychiatric/Psychological evidence and assessment
- Reports from schools
- Physical, emotional and social needs
- Specialist treatments and therapies
- Vulnerability and Safeguarding
- The activities of daily living
- Level of attainment
- The level of support, special equipment and specialist environment
- Input from the applicant, the family or external parties.

8.4 The process will consider whether Wirral Metropolitan College can offer a suitable curriculum and support for the individual, and a decision will be made in consultation with the Assistant Principal, Student Support & Foundation Learning. In cases where there are significant funding implications there will be consultation with the relevant Local Authority (where the student is age 16-18, or age 19-24 and has an Education, Health and Care Plan). The college will make best endeavours to accommodate needs and enable applicants to enrol wherever reasonably practicable. Where this is judged not to be possible, the applicant will be informed of the reasons why.

9. Appeals

9.1 Wherever possible Fitness to Study decisions should be jointly agreed with the student. However, a student may wish to appeal the outcome of the process. If the student wishes to appeal, they must do so in writing to the Vice Principal, Curriculum & Quality within 5 working days of notification of the outcome.

9.2 An appeal hearing will be arranged within 21 days of the notice of appeal being lodged.

9.3 Grounds for appeal are:

- The concerns which led to the Fitness to Study procedure being invoked are not valid
- The decision made in the Fitness to Study Case Conference is not proportionate to the concerns raised
- Insufficient reasonable adjustment to the student's disability, health condition or other personal circumstance has been made
- The procedures have not been followed.

9.4 An appeal hearing will be arranged which will follow the same format as the original Case Conference, save that the student will start the hearing by explaining the grounds for his/her appeal, and that the appeal will be chaired by the Vice Principal, Curriculum & Quality.

9.5 In the case of potential students where the decision has been made that the college is unable to offer a suitable curriculum or support, the applicant may also appeal this decision in writing to the Vice Principal, Curriculum & Quality. A meeting to consider the appeal will be arranged within 21 days of the notice of

appeal being lodged. The applicant will be invited to attend, accompanied by a parent/carer if required. The applicant may provide further evidence of their fitness to study, and the Assistant Principal, Student Support & Foundation Learning will present the case for the original decision.

9.6 Decisions made at appeal hearings shall be final.

10. Other Associated Policies

- Safeguarding and Protection of Children and Adults at Risk Policy
- Equality and Diversity Policy
- Admissions Policy
- Health and Safety Policy
- Complaints Policy
- Student Disciplinary Policy