

Policy Title **Fitness to Study**

Author/Responsible Manager	Director Inclusion
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Risk Assessment (please note here any identified risks of non-compliance with the policy)	Disruption of learning Requirements of unsustainable high levels of support

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Equality Impact Assessment				
Characteristic	No impact	Positive impact	Negative impact	Evidence
Race	☒	☐	☐	
Disability	☐	☒	☐	
Gender	☒	☐	☐	
Pregnancy/Maternity	☒	☐	☐	
Religion/belief	☒	☐	☐	
Sexual orientation	☒	☐	☐	
Age	☒	☐	☐	
Gender reassignment	☒	☐	☐	
Marriage & civil partnership	☐	☐	☐	
Carried out by: V Williamson				

Actions required:

Action	Date	Reviewed by	Date

1. **Introduction**

- 1.1 Kendal College is committed to supporting learners' wellbeing and recognises that a positive and supportive approach to the management of physical and mental health is crucial to learners' personal and academic achievement.
- 1.2 Fitness to study relates to an individual's capacity to participate fully as a learner, in relation to their academic studies and experience at college. A learner's fitness to study may be affected by a wide range of circumstances, including:
 - medical conditions that require long periods of absence.
 - wellbeing, including safeguarding concerns.
 - behavioural challenges.
- 1.3 Kendal College is committed to supporting learners to engage effectively in their programmes, and to be fully compliant with the Equality Act (2010) and the SEND Code of Practice (2014). Therefore, learners should have the ability or fitness to engage in their programmes without:
 - adversely affecting their own wellbeing or the wellbeing of other learners and staff, this includes situations where there is a potential risk to others.
 - disrupting the day-to-day activity of the College including the progress and learning of other learners.
 - making unreasonable demands on staff.

[SEND Code of Practice \(2014\)](#)

[The Equality Act \(2010\)](#)

2. **Scope**

This policy applies to all Kendal College learners, including Full-Time, Part-Time, Apprenticeship and Higher Education learners. It applies to learners throughout the period of their registration with the College and to learners on work experience or when representing the college in the wider community.

3. **Application and Enrolment**

- 3.1 Prospective learners should have the capacity to undertake their programme of choice and must meet the criteria as detailed in section 1.3 above.
- 3.2 Prospective learners are asked to declare where additional support or reasonable adjustments may need to be made, which can include an extended an end-date.
- 3.3 Where there is a potential that a prospective learner may not meet the criteria as detailed in section 1.3 above, the application will be reviewed by the relevant Head of Faculty, and Director of Curriculum who will consider available information and decide whether an application should proceed. Additional information from relevant professionals may be requested where appropriate. In line with data protection laws, the applicant will be required to grant permission for the college to obtain this information.

- 3.4 The College's admissions policy details the processes that are followed relating to application and enrolment. The admissions policies can be found on the College website at www.kendal.ac.uk.
- 3.5 **Returning Learners:** where learners have previously stopped attending the college due to challenges in full participation and they meet the fitness to study criteria, points 3.1-3.4 will apply.
- 3.6 **Right of Appeal:** The learner may appeal against a decision not to proceed with an application, if they feel:
- The College has failed to follow the procedure.
 - The decision is unreasonable.
 - There is further material evidence which could not reasonably have been expected to have been submitted for consideration by the panel.

The applicant or returning learner should follow the process detailed in Section 5.

4. **Fitness to Study: Existing Learners**

- 4.1 This policy has been developed to be supportive, enabling learners to engage in their studies, maintain positive wellbeing and complete their course successfully. It details how to manage situations where, in light of concerns regarding a learner's health or wellbeing, it is not considered appropriate to implement other learner processes such as the learner disciplinary procedure. It aims to provide a clear, consistent, and fair approach to supporting learners. These concerns may be identified in several ways, which may include:
- Information/concerns provided by the learner.
 - Lecturers and/or tutors and/or the additional learning support team identifying concerns about a learner's behaviour and engagement.
 - Concerns raised by other learners.
 - Attendance concerns.
 - Difficulties with completing work and meeting deadlines.
 - Behaviours observed by staff that may indicate that study under the stipulation of section 1.3 may not be possible.

Any member of staff who has a concern about a learner's fitness to study, or has a concern reported to them, should follow the procedure.

For immediate safeguarding concerns, please follow the College's safeguarding procedure. Safeguarding the learner, other learners and members of staff will be the foremost concern and will supersede any other policies or procedures.

Where there is no immediate risk to self or others, the fitness to study procedure has 3 stages. The learner would usually enter the process at stage 1. However, if the College considers the level of concern to be serious and immediate, it may decide that the learner needs to immediately start the process at stage 2 or 3, as appropriate.

Stage 1: Initial Concern - Informal action within departments

- 4.2 Concerns at this stage may include deterioration in physical health or wellbeing, significant changes in personal care, behaviour, attendance, or the ability to meet deadlines, make progress or participate in college life. The concern should be raised with the course tutor and Head of Faculty in the first instance.
- 4.3 It is the responsibility of the learner's tutor to discuss stage 1 initial concerns with the learner, using one to one tutorial support. A referral should be made to the safeguarding/wellbeing team for an appointment as appropriate. Stage 1 must be recorded on the learner's ProMonitor record under learner meetings, include any agreed actions and the relevant Head of Faculty informed. If the information is sensitive, the detail must only be recorded on CPOMS and reference to where to find the information logged on the learner's ProMonitor record.

Stage 2 – Continuing Concern or Sudden Deterioration (approximately 4 weeks after stage 1, or as appropriate)

- 4.4 Stage 2 will be initiated where concerns are continuing or the actions agreed at the stage 1 discussion have passed and the learner is still experiencing difficulties. It may also be initiated when there is a significant initial concern which is felt to be too serious to be handled informally at Stage 1.
- 4.5 The concern should be reported to the Safeguarding/Wellbeing Team who, together with the relevant Head of Faculty, will convene a meeting with the learner, SENCo if relevant, course tutor and Director of Curriculum. This meeting will:
- Discuss whether it is suitable for the learner to remain at college, and if so, what further support may be needed to achieve this. If this is not possible, parents/carers will be informed, and a case review initiated.
 - Make referrals as appropriate to external support agencies or communicate concerns to agencies already involved.
 - Set appropriate attendance and work-related targets as appropriate.
 - Stage 2 must be recorded on the learner's ProMonitor record and/or CPOMS, as appropriate. If the information is sensitive, details should only be recorded on CPOMS and reference to where to find the information logged on the learner's ProMonitor record.

Stage 3 – Final Stage (approximately 4 weeks after stage 2, or as appropriate)

- 4.6 At Stage 3, the panel (reference 4.5) will meet with the learner to decide whether the targets set at Stage 1 and Stage 2 have been achieved. If the targets have been achieved, the outcome should be explained to the learner and logged on the learner's ProMonitor Record that the learner has been successful and are fit to continue to study. If the targets have not been met and the panel believes that the learner is not currently fit to attend the College, they will be invited to a case review, including parents/carers, if appropriate. At the case review, the learner may bring a friend or advocate

over the age of 18 years old and not studying the same course as them, or a relative for support and other professionals may be invited to provide advice and guidance. The purpose of the case review will be to discuss how the College and the learner's external support can ensure the learner is able to remain in college and meet their targets. This will include considering the wellbeing and learning experience of the learner, other learners and staff. If the learner is unable or unwilling to attend, a decision to temporarily exclude the learner can be made, where the College considers it reasonable to do so.

- 4.7 In the case of a learner looked after, or a learner with an Education, Health and Care Plan, the review will be in consultation with the relevant Local Authority and an emergency annual review may be called.
- 4.8 The case review may seek a medical assessment, usually from the learner's GP or medical practitioner. The learner will be encouraged to consent to the assessment.
- 4.9 The case review meeting will consider whether the learner is able to participate in their academic studies and college life, and whether any additional support needs can be met by the College's support services.
- 4.10 If this is considered possible, an action plan will be agreed with the learner detailing any steps the learner will need to take and the support to be provided. This action plan will normally specify a range of actions related to the targets previously agreed as part of the stage 1 and stage 2 meetings. Regular review meetings will be arranged with the learner.
- 4.11 At the case review meeting, the learner's support needs will be discussed, and various options considered, including a break from study, study from home if appropriate, a period of suspension or postponement, or a recommendation for withdrawal or exclusion of the learner. In cases where a suspension or postponement of studies is agreed, a clear time frame must be given to the learner. The provision of appropriate documentation/medical evidence within that time frame will be a condition of re-entry to the programme of study.
- 4.12 The outcome of the case review meeting must be recorded on the learner's records and the outcome, with any agreed actions and timescale, sent to the learner within 5 working days of the case review meeting. If appropriate, the learner's parents/carers and relevant external agencies, such as employers, social workers and local authorities will also receive the outcome in writing. The learner will be advised of their right to appeal against the decision and informed how to follow the appeal process (see section 5).
- 4.13 Whilst it is envisaged that such cases will be exceptional, the College reserves the right, at any stage and level of this procedure, to vary the process it follows in the interests of fairness and/or wellbeing and/or health and safety. For example, where there are concerns that the attendance of the learner at a meeting, or the provision of information to the learner, could have a detrimental effect on them, such as the risk of self-harm, or if the learner has previously experienced hospital admissions.
- 4.14 Should a learner be unwilling or unable to take part at any stage of the procedure or to attend a meeting, the College may nonetheless follow the fitness to study procedure where it is reasonable to do so. In addition, the College will consider any request from the learner to proceed with a meeting

in their absence based on written reports and/or a written statement from the learner.

- 4.15 This policy may be accessed following interventions/assessment undertaken of the learner's performance, behaviour, and the disciplinary policy, if the conditions of 1.3 are identified.

5. Right of Appeal

- 5.1 The learner may appeal against a decision of the Fitness to Study Panel on the following grounds:
- The College has failed to follow its own procedure.
 - The decision is unreasonable.
 - There is further documentary evidence which could not reasonably have been expected to have been submitted for consideration by the panel.
- 5.2 Any request for an appeal should set out the grounds for appeal and be submitted within 10 working days of the fitness to study outcome and in writing to the Principal. An appeal hearing with the Principal, or their nominee will be scheduled, usually within 15 working days of receiving the written request for an appeal. The learner will be informed in writing, with at least 5 working days' notice, of the date and time of the appeal interview, and they are entitled to be accompanied by a friend/advocate who must be aged at least 18 years old and not studying the same course as them, or relative (but not by a legal or other professional adviser unless the College otherwise agrees, having been given notice before the day of the hearing).
- 5.3 At the appeal hearing, the learner or friend/advocate/relative will explain their case and any special circumstances which may exist. The hearing will review the case, considering the original fitness to study decision and the learner's representations from the appeal hearing.
- 5.4 The final decision by the principal or his nominee will be confirmed in writing to the learner normally within 5 working days.
- 5.5 The right of appeal in the case of a learner looked after, or a learner with an Education, Health and Care Plan will be in consultation with the Local Authority.

6. Return to Study

- 6.1 In all circumstances, when a suspension or postponement of studies has been recommended or agreed, the process for considering a return to study should be made clear to the learner at the time of suspension.
- 6.2 In all cases, return to study will depend on the evidence of fitness to study. The precise nature of the evidence required from the learner will depend on the individual circumstances of each case, but in all cases, it is expected that this will involve a report from a recognised independent health professional with sufficient knowledge about the health and wellbeing of the learner during the period of suspension and, specifically, the learner's capacity to return to study.
- 6.3 The decision to allow a learner to return will be made by the relevant Head of Faculty and the Director of Curriculum. Their decision is final and will be

communicated in writing to the learner prior to their return, clarifying any necessary requirements and special arrangements.

- 6.4 On the learner's return, the College may decide that there should be regular learner review meetings which can be used to support and monitor a return to study plan and provide staff with an agreed context in which to provide ongoing pastoral support. If so, the learner is expected to take personal responsibility for fully engaging with this support.

7. Under 18s

- 7.1 Where learners are under 18, parents/carers should retain the responsibility for ensuring that learners are fit to study when attending the College. It is not appropriate for learners to come to college when parents/carers are aware that their physical or mental health is such that they may be a risk to themselves or to others. In such cases, other actions, such as emergency appointments with the learner's GP, should be ensured.

8. Equality and Diversity

- 8.1 In responding to and managing situations where a learner's fitness to study is a concern, the College remains mindful of its duty of care and obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment, and other activities, as appropriate. In dealing with cases, the College also remains mindful of its duties under the Data Protection Act 1998/2018, GDPR and the College's Data Protection Policy.
- 8.2 When implementing the fitness to study procedure, each matter will be managed in a supportive manner and on an individual basis. Any decision reached about a learner's fitness to study will be made, wherever possible, through a process involving the learner and other relevant parties such staff, parents/carers, and internal and external agencies, such as social workers and local authorities, as appropriate to the circumstances.

Relevant policies

Safeguarding Policy
Health and Safety Policy
Equality Policy
Additional Learning Services Policy
Learner Behaviour and Disciplinary Policy
Admissions Policy (Higher Education)
Admissions Policy (Further Education and Apprenticeships)
Data Protection Policy