FITNESS TO LEARN POLICY & PROCEDURE

Created by	**Director Learner Services**	**November 2024**
Approved by	**Curriculum, Quality and Standards Committee (June 2021)**	
Version	**2.0**	
Date of next review:	**November 2027**	

Introduction

WM College is an inclusive organisation. Our aim is to ensure that everyone who works and learns with us achieves their full potential in an inclusive environment free from discrimination.

We are committed to supporting learners and recognise the importance of their health and wellbeing in relation to study.

Fitness to learn relates to an individual's capacity to take part fully as a learner, in relation to academic studies.

Purpose

The purpose of this policy is to provide a suitable, co-ordinated response by academic and support staff in circumstances where a prospective or current learner's fitness to learn is a cause for concern.
This document outlines the policy and the procedure to be followed when a learner's health and wellbeing affects their ability to cope at college, to study or to progress on their course or when their health or wellbeing poses a risk to the health and safety of self and/or others.

Scope

This policy applies to

Prospective learners/applicants
Enrolled learners

Policy

WM College recognises that learners may face a variety of difficulties and challenges affecting their health, wellbeing or behaviour which impacts on their chances of success. Our aim is to manage these situations in a responsive and sensitive way with the needs of the learner and all learners at the heart of the process.

1. Admission to College

The College recognises that there is a need to ensure that learners are emotionally and physically able to undertake all aspects of their programme of study and relevant work placements with reasonable adjustments in place.

The College will take every reasonable step to ensure that learners with Special Educational Needs and/or Disabilities and/or mental ill health are supported. However, in doing so, the College must consider its duty of care in relation to the health and safety and safeguarding of learners, staff and visitors.

If a member of staff has concerns that by allowing an applicant to undertake a programme of study, it may have a detrimental effect on either them and/or others, then an initial referral needs to be made to a College manager, which could be but is not limited to: Director of Learning, Director of Learner Experience, Curriculum Manager, Duty Manager, Learner Recruitment & Customer Services Manager.

The purpose of this initial referral is for advice to be sought and, where possible, a decision to be made based on known facts allowing the College to inform the prospective learner on the same day.

There may be cases where a decision is not appropriate on the same day and further advice may need to be sought from senior or specialist staff such as the Additional Learning Support Manager, Director of Learning or the Mental Health Lead who will work together to progress the request to enrol.

The Managers involved will evaluate the concerns and discuss whether support can be put in place to allow the applicant to progress. Consideration will be given to:

- Whether there are any potential risks to the applicant, other learners or staff at the College
- Whether additional support can be put in place to allow the applicant to continue, including reasonable adjustments and/or a Risk Assessment
- Whether there is insufficient information to make a decision in which case the applicant's permission will be sought to make contact with relevant support services/health professionals/external agencies

A manager may arrange to meet with the applicant and their support team to gather more information. The framework of such a meeting will be supported by the Fitness to Learn Review document (Appendix 1).

Following the evaluation and, where appropriate, contact has been made with external sources, a decision will be made in conjunction with the Director of Learner Experience/Director of Learning that will have one of the following outcomes:

- The applicant is allowed to continue to enrolment on the understanding that they accept the support that is put in place following an assessment of support needs
- The applicant cannot continue on their chosen programme of study with the specific reasons explained. The College will consider recommending the applicant applies for a different course or programme or study or defer their entry to a later date
- The College does not feel that currently they are able to make reasonable adjustments necessary to support the applicant in their studies. Where this is the case, the College will endeavour to refer the applicant to an alternative provider.

2. On Programme

We aim to provide a suitable response in circumstances where it is not appropriate to apply the Learner Conduct Policy. This may arise when a learner's behaviour requires considered and sensitive management, because of health and wellbeing issues, rather than disciplinary sanction.

Where a learner has a temporary or permanent disability, medical condition, mental ill health or a learning need the College will engage our best endeavours to provide additional support and, in line with our Additional Learning Support Policy, make reasonable adjustments so that barriers are removed to enable academic success.

Curriculum and Support teams will provide a co-ordinated approach to the management of a situation where mental or physical functioning:

- may not permit a learner to benefit from the educational opportunities afforded them at a particular time, or
- is adversely affecting the experience of others, or
- requires support at a level that has extended well beyond that which can reasonably be expected of WM College.

Before a Fitness to Learn referral is made, College staff working with learners are expected to keep a confidential record of any concerns about learners and their health and wellbeing. These confidential records may then be used in conjunction with the review process outlined in this policy to support the final decision.

Concerns about a learner's health or behaviour will be acted upon promptly. Learners who are experiencing difficulties in relation to their health, wellbeing and/or disability will be supported to address their difficulties at the earliest possible point. It is recognised that early action/intervention can often prevent a situation from developing into a crisis.

Each case will be considered individually and the team(s) supporting the learner will look for possible flexibility around academic progress and the support that is needed for learners to remain in learning.

Considerations when dealing with each individual case should include:

- A minimum level of attendance may need to be maintained overall that will allow learners to realistically achieve. The specific expectations regarding attendance will be set in each case depending on individual circumstances.
- While on a temporary basis it is reasonable for subject teachers and support staff to be flexible with attendance due to ill physical or mental health, prolonged periods of absence may not be sustainable,
- Whether it is reasonable for teaching staff, on a short-term temporary basis, to liaise with learners via email and online learning platforms.
- Support staff along with the tutor may provide general pastoral support on site but there may be times when the nature of a learner's ill health requires support beyond the expertise or capacity that the College can reasonably offer.
- Where learners must prepare for assessment through completion of homework, coursework and exam preparation and/or academic success depends on engagement in classroom activity, long periods of complete absence or very poor attendance may make learners' studies untenable. With regard to coursework and homework, if learners fall significantly behind with their deadlines, despite extensions being offered, then there comes a point at which catching up is not viable.
- The organisation has to meet awarding body regulations with regards to meeting coursework deadlines, specification requirements and procedures for access arrangements.
- Occasionally ill health may also present a health and safety hazard and in this situation a risk assessment will be undertaken. Sometimes, however, risks cannot be managed at an appropriate level in the college environment.

There may be times when, having considered and exhausted all reasonable options, it is decided that the learner cannot meet the expectations of being a WM College learner or of meeting the

requirements of the course as their physical, mental, emotional or psychological health is having a detrimental effect upon them and/or other learners, staff or visitors.

3. Fitness to Learn Procedure

When issues arise, the College will follow a staged process as outlined in Appendix 3. At each stage we will use our best endeavours to support learners and to make reasonable adjustments with the aim of retaining the learner in learning at WM College.

There may be situations where the College believes that we have exhausted the support options available and made reasonable adjustments, but the learner is unable to maintain their fitness to learn. This means that in very rare circumstances it may not be possible for the learners to remain at the College.

In these situations, the best interests of each learner and their welfare will be at the centre of such decisions. A learner who has struggled to maintain academic progress and for whom trying to keep the structure of college life going has been a positive factor in their rehabilitation, there comes a point at which trying to catch up after a lengthy absence may have more of a negative impact on health than withdrawing from studies. To continue this situation would place the College in breach of its duty of care to learners.

A panel of college staff (led by the Director of Learner Experience and the Director of Learning and/or the ALS Manager or Disability Officer) will review each learner's situation using the Fitness to Learn Review document (Appendix 1) and may make a recommendation for withdrawal. If withdrawal is the outcome, the learners would have the right of appeal as outlined in Section 7.

The College will aim to complete the Fitness to Learn procedure within 10 working days of the first concerns being raised. It should be understood that:

- A learner's wellbeing may deteriorate requiring further meetings or requests for information thus extending the process
- Responses to requests for information or meetings with external agencies are outside of the College's control and may extend the process

In some situations, learners may be advised to defer their studies until they are fit to learn. If it is agreed that a restart either in the next intake or the following academic year is an option, a meeting with a panel of staff (led by the Director of Learner Experience and the Director of learning and/or the ALS Manager or Disability Officer) needs to take place to ensure that there has been sufficient improvement in emotional or physical wellbeing to allow learning to commence. Any deferrals would be granted with the recommendation of external agencies involved (if appropriate).

Where a learner is invited to attend a meeting with a manager or with any members of the appointed panel, they have a right to be accompanied. To get the best outcome for the learner, the College will require the learner to attend with a member of their support team (social worker, key worker, etc) but where there is no support team available, the learner may attend with a friend or relative.

4 . Confidentiality

In cases where, in the staff member's judgement, it would be in the learner's best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the learner's informed consent should be obtained where possible. It will be necessary to inform the learner why there might be a need to disclose sensitive information, who will have access to this information and the likely consequences of giving or withholding consent. Once consent has been obtained, it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the learner.

If the learner chooses not to provide their consent, this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there exist rare occasions when the learner's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken.

These include:

- When the learner's mental health has deteriorated to the extent of threatening their personal safety
- When the learner is at risk of serious abuse or exploitation
- When the learner's behaviour is adversely affecting the rights and safety of others
- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed). If the staff member believes there is a need to break the commitment to confidentiality, the Executive Safeguarding Lead should be consulted for advice.

5. Definitions

<u>Fitness to learn</u>

Fitness to learn means the learner is fit to continue with their current course or return/change to their current or another course.

Learners must be able to benefit from the programme of study or the required period with a reasonable chance of achievement.

Learners must be able to function independently or with allocated support in learning environments. (The diversity of our learner community means that the journeys to success will be very different for many learners. We should not limit unreasonably the range of behaviours within this definition.)

Learners' mental or physical health needs should not unduly disrupt the learning or work of others in the college community.

<u>Reasonable adjustments</u>

Taking steps to ensure that there are reasonable measures in place to ensure that learners are not placed at a substantial disadvantage due to their disability, difficulty or additional need.

The criteria for judging 'reasonable' include consideration that they do not compromise academic standards, health and safety or the relevant interests of other people including other learners. The College has a duty of care to the college community and considers the health and safety of everyone to be paramount. All reasonable adjustments should be financially reasonable and practical.

6. Legislation

Learners with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g. Equality Act 2010, Keeping Children Safe in Education 2024, SEND Code of Practice (2015) and the Health and Safety at Work Act 1974.

All personal and sensitive information will be managed in accordance with the General Data Protection Regulation (GDPR) and the common law of confidentiality.

7. Appeal Process

Appeals must be submitted in writing to the Deputy Principal within 10 days of receipt of confirmation of the decision to withdraw or defer the learner under the fitness to learn criteria. Appeals that will be considered should include information that;

- The learner can demonstrate a serious breach in the handling of this fitness to learn process.
- The learner has substantial, relevant evidence that was not available to consider at the panel review.
- New information or support is available that would enable the learner to access education, mitigating risk to themselves or others whilst studying.

Support can be provided by College staff with the appeal process if required by the learner.

8. Related Policies/Documents

- Learner Journey Policy
- Equality Diversity and Inclusion Policy
- Learner Conduct Policy
- Safeguarding & Prevent Policy
- Data Protection Policy
- Health and Safety Policy
- Mental Health Strategy

APPENDIX 1

Fitness to Learn Review

The purpose of this Fitness to Study Review is to provide a coordinated approach to manage a situation and decide appropriate outcomes when **a prospective learner/applicant or enrolled learner's mental health, behaviour and or physical functioning, may prevent them from benefiting fully from their time studying at college. Or:**

- may not permit a learner to benefit from the educational opportunities afforded them at a particular time, or
- is adversely affecting the experience of others, or
- requires support at a level that has extended well beyond that which can reasonably be expected of WM College.

Learner Details

Surname:	First Name:	Learner ID No.:
Course Title:		Course Code:

Brief background (explain why Fitness to Study review is taking place)
Safeguarding and behaviour concerns
Outline of how support needs can be met or limit of support available
Relevant reports from support agencies like mental health agencies, social services, occupational therapists etc.

Outcome and recommendations		
Learner signature:		Date:
Staff signature:	Staff name:	Date:

Recommendations Approved	(one signature required)	
Director of Learner Experience	Signature:	Date:
Director of Learning	Signature:	Date:

Appendix 2

FITNESS TO LEARN PROCEDURE

