

Fitness to Study Policy

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Approved by: SMT

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1. Scope and Purpose

The term 'fitness to study' as used in this document relates to the entire learner experience, and not just to a learner's ability to engage with their studies. For example, Brent Start expects its learners to live in harmony with others, and not to conduct themselves in a way which has an adverse impact on those around them. Academic performance issues are not intended to be addressed by this process, unless they are the consequence of a fitness to study difficulty.

This procedure is meant to be used in addition to the Learner Management Policy in cases where there is enough reason to believe that a learner's actions may be the result of a disability or illness and that they are having, or are likely to have, an effect on the learner's or other members of Brent Start community's health and safety. The process is intended to be "preventative," addressing concerns early on and before they escalate to a crisis.

This policy is intended for use where the situation is deemed to be **serious** and has **not** been resolved via the availability of the existing learner support resources within Brent Start. Confidentiality and data protection regulations must always be upheld in any situation when this protocol is being considered or implemented.

2. Circumstances under which a learner's fitness to study may be brought into question

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 restricted to) the following:

- There is a serious concern about a learner's fitness to study at Brent Start or ability to meet the learning outcomes of the course, despite applying reasonable adjustments and/or providing additional learning support (ALS). They may show inappropriate behaviour, endanger others; disrupt learning or obstruct the safe functioning of the institution.
- Participation in a course-related activity or assessment would jeopardise the long term health and wellbeing of a learner due to a pre-existing medical condition.
- The learner has told a member of Brent Start that they have a problem and/or have provided information indicating that there is a need to address their fitness to study.
- Serious concerns about the learner emerge from a third party (for example other learners, relatives, medical professionals etc.)

- The health, safety, wellbeing and /or learning of learners, staff and/or others in the wider Brent Start community is negatively impacted by the learner's behaviours or capability to engage fully and safely in their learning or other activities.
- A prolonged or regular short-term absence that may make a learner unfit to study when the absence occurs because of a mental or physical health condition or disability and prevents them from attending and accessing regular lessons and learning activities regardless of the support and reasonable adjustments put in place.
- The learner exhibits behaviour that is not acceptable and would generally be dealt with as a disciplinary matter, but is considered as a potential result of an underlying physical or mental health issue.
- The learner's academic performance is unsatisfactory, and this is thought to be the result of an underlying physical or mental health problem.

3. Legislation, Data Protection and Confidentiality

Learners are entitled to reasonable adjustments and appropriate support to allow for mental and physical health conditions and learning needs. These adjustments take into account the Health and Safety at Work Act 1974, the Equality Act, 2010) and the SEND Code of Practice, 2015. All personal and sensitive information will be managed in accordance with the General Data Protection Regulation 2018 (GDPR).

Brent Start may be obliged to share information without a learner's consent in order to provide suitable safeguarding support and where the institution is legally obliged to disclose information.

4. Equality and Diversity

Brent Start keeps in mind both its duty of care and its responsibilities under the Equality Act 2010 when responding to and handling situations where a learner's fitness to study is in question. This includes the duty to make reasonable adjustments for teaching and learning, assessment, and other activities as needed.

In implementing the procedure, Brent Start will ensure that it offers and encourages learners to seek appropriate support from the beginning, for example by referring learners to ALS.

When implementing this procedure, each matter will be dealt with 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 as academic staff, parents or carers, if applicable, and internal and external agencies, such as social workers, as appropriate in the circumstances.

5. The Procedure

This procedure has two stages (informal and formal). Depending on the concern raised, it may be appropriate to move straight to the formal stage. A learner's willingness to engage with the process will also inform actions and decisions taken by Brent Start. If a learner chooses not to engage, then this procedure may continue without their involvement. At any stage in Fitness to Study process, the learner may be suspended from Brent Start on an interim basis.

At each stage, the learner is entitled to be accompanied by a person of their choosing, who may be a friend, family member, or employer, but who may not be a legal representative acting in a professional capacity.

All declarations and disclosures relating to this procedure should also be referred to Learner Services for further consideration.

5.1 Informal Stage

When a concern about a learner's health, safety or wellbeing is raised, the concerned member of staff should seek advice from the Programme Lead and Senior Programme Lead.

Once the Fitness to Study Procedure has been agreed as the appropriate way forward by the Senior Programme Lead, an informal meeting should be arranged by the member of staff. This meeting should be attended by the staff member, the Senior Programme Lead and the learner to discuss the concerns and agree a way forward. It may be appropriate to involve carers/ guardians at this time.

The outcome of the meeting should be confirmed in writing to the learner, setting out agreed actions. The outcome of the informal meeting will be one of the following:

- Concerns have been addressed and the Fitness to Study process can be closed
- Concerns have not been addressed and an action plan with an agreed review date is required.
- Concerns have not been addressed and escalation to the formal stage of the Fitness to Study Procedure is appropriate.

Records should be completed appropriately on the learner's ILP ensuring correct levels of confidentiality and sensitivity are maintained.

5.2 Formal Stage

This stage will be invoked when significant or persistent concerns are raised about a learner that are putting them or others at risk. These may be continuing concerns or a new significant concern which Brent Start deems appropriate for immediate formal action.

The Fitness to Study panel will meet to review evidence prior to the meeting with the learner. The panel will consist of the Learner Services Manager, Quality Manager and the relevant Senior Programme Lead.

A meeting will be convened with the learner and parent or guardian (if appropriate) to discuss the concerns and an appropriate course of action. The meeting will be chaired by the Learner Services Manager and attended by appropriate members from the Senior Management Team (e.g. Quality Manager and the relevant Senior Programme Lead). The meeting will consider all reasonable options to enable the learner to continue with their studies.

The learner will be invited to attend the meeting. The learner may submit any documents they wish to the meeting for consideration. Brent Start SMT members will present relevant information to the meeting.

The panel will make a decision based on the evidence presented from the learner and Brent Start representatives. The meeting may be adjourned to consider all evidence. Further information may be requested which may result in subsequent meetings. A decision will be made by the panel and should be communicated to the learner, in writing, by the Learner Services Manager within 5 days of the meeting. If appropriate the letter should also clearly

state the consequences of non-compliance with the decision or breaches to the agreed actions. The panel may decide that the learner is:

- Unfit to study,
- Fit to study, providing that certain conditions are met, or
- Fit to study (without conditions)

| Decision | Outcome/s |
|--|---|
| Unfit to study | <ul style="list-style-type: none"> • Permanent withdrawal, or • Suspension of studies – minimum period decided by panel |
| Fit to study, providing certain conditions are met | <ul style="list-style-type: none"> • Action Plan, monitored by the Learner Services Manager or the Quality Manager, and/ or • Alternative mode of attendance, and/ or • Further support from internal or external agency or organisation |
| Fit to study (without conditions) | No further action is required |

6. Appeals

Appeals will only be accepted if there is evidence of procedural irregularity, bias or failure to reach a reasonable decision, or if the learner submits further material evidence which could not reasonably have been expected to have been submitted for consideration of the SMT panel.

Appeals will be investigated by a senior manager who has not previously been involved in the case. All appeals should be made in writing to the Head of Brent Start, detailing the reason for the appeal, within five days of receiving a notification of a decision. The Head of Brent Start or their nominee will investigate the appeal and consider any relevant supporting evidence and will provide an outcome within 15 working days.

7. Crisis Intervention

It is possible that a learner may pose such an extreme risk that emergency assistance is needed outside this Policy.

In a situation where it is believed that a learner's behaviour presents an immediate risk to either themselves or to others, the Emergency Services should be contacted and Brent Start's Safeguarding Policy and/or Health and Safety Policy implemented.