



“Inspiring learning, developing character, building futures”

Fitness to study policy

Aim: The aim of this policy is to ensure consistent and fair treatment in situations where a student’s health or wellbeing may be negatively impacted by continuation of study.

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1. Introduction

- 1.1 Students with mental and physical health/wellbeing conditions are entitled to reasonable adjustments and support under the Equality Act, 2010.
- 1.2 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. Reasonable adjustments are intended to remove barriers to learning and promote success.
- 1.3 It is important, however, to be clear about what is reasonable in an educational setting and the limits to the individual support that can be provided within a sixth form college.

Our staff provide outstanding care for all students, but there will be times when a student's physical or mental health are so affected that they are no longer able, despite support both internal to the college and externally, to maintain a reasonable academic progress. It must be noted that:

- All reasonable adjustments should be financially reasonable and practical.
- The college deliver full-time programmes of study designed to be delivered in a classroom situation where students are expected to be physically present. We are not a distance-learning college, and whilst on a temporary basis it is reasonable for subject teachers and support staff to be flexible with attendance due to ill health, prolonged periods of absence cannot be sustainable.
- There may be times when the nature of a student's ill health can require support beyond the expertise or capacity that we can reasonably offer.
- Occasionally a student's ill health may present a health and safety hazard to either themselves or others.

There are therefore occasions where, for one or more of the reasons above, it will be our judgement that, in the best interests of a student, continuing at college is no longer the best option.

- 1.4 The bursary is usually paid if an eligible student maintains a minimum 90% attendance throughout the relevant payment period. However, a reasonable adjustment may be agreed as part of the fitness to study procedures that a lower minimum expected level of attendance is acceptable. The expected level of attendance will be shared with relevant staff using EMRIS (the college's online registration and tracking system) and with the student and their parent(s)/carer(s) as part of the fitness to study contract.
- 1.5 Students may 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/wellbeing condition or a disability and persists despite all reasonable adjustments having been made to accommodate it.
- 1.6 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.

- 1.7 The fitness to study policy allows the college in exceptional cases, such as those outlined in appendix II, to deem a student unfit to study. The college will take heed of all information provided, including a “fit to study” note (e.g. from a GP), however, reserves the right to make the final decision.
- 1.8 These procedures have been drawn up in order to ensure that all students who may be subject to fitness to study procedures are dealt with in a fair and equitable manner, providing an appropriate, proportionate, prompt and flexible response to serious concerns about a student’s fitness to study.
- 1.9 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.
- 1.10 With due reference to the Equality Act 2010, where there is concern from parents/carers, guardians, the feeder school and / or the Local Authority that college may not be an appropriate place to study, due to the applicant’s mental health, violent or sexual behaviour or profound and complex needs, the college’s **Exceptional Enrolment** process will take place to assess whether a place will be offered to the applicant. The college makes the final decision.
- 1.11 All personal and sensitive information will be managed in accordance with the Data Protection Act 2018 and the colleges safeguarding procedures.

2. Scope

- 2.1 These procedures apply to all students when they are at the college or otherwise on college business, e.g. an organised visit, work/industrial placement/work experience or college event. The jurisdiction of this policy also extends to non-college related activity and will also apply when behaviour outside of the college has a detrimental impact on others from the college, e.g. cyber-bullying.

3. Purpose

The purpose of the procedures is to -

- 3.1 Promote student success.
- 3.2 Make reasonable adjustments to support students with a mental and/or physical health/wellbeing condition or a disability that may cause them to become unfit to study.
- 3.3 Ensure consistent and fair treatment in relation to action taken in response to allegations of unacceptable conduct or performance.
- 3.4 Afford the college the right to judge a student unfit to study where the college deems that a student’s health or wellbeing may be negatively impacted by continuation of study or where their health is significantly impacting on their ability to study and succeed.

4. General principles

- 4.1 No action will be taken against a student until the circumstances have been investigated. Each case will be considered on its merits and parents/carers will be informed.
- 4.2 A student who has not given or has withdrawn consent for parental/carer involvement in their education will be interviewed by the Designated Safeguarding Lead (DSL) or a Deputy DSL to investigate how the student will be supported throughout the procedure.
- 4.3 At any stage during the procedure the Principal (or staff acting with the authority of the Principal), may suspend the student whilst an investigation is carried out, following the suspension procedure as outlined in the positive behaviour policy and disciplinary procedures.
- 4.4 At every stage, a student has the right to be advised of the reason for these meetings. If a student fails, without good reason, to attend a meeting which they have been advised to attend, the meeting can take place and a decision may be made in ~~is/~~ their absence.
- 4.5 Disciplinary action, in line with the positive behaviour policy and disciplinary procedures, will be implemented alongside the fitness to study procedures in cases where the student's failure to meet expectations is not related to their long term medical condition.
- 4.6 Written records, including targets and support agreed, will be kept of all stages of the procedure and shared with students and their parents/carers.

5. Stages of the procedure (fitness to study levels)

- 5.1 It is hoped that in most cases concerns about fitness to study can be resolved at an informal stage, and that students will respond positively, taking advantage of the support available. However if following informal support/intervention there is still concern that a student is not fit for study then the following procedures will be followed.
- 5.2 The fitness to study procedures follow the three levels set out below:
 - **level 1** - initial meeting to discuss issues and support needs and a level 1 agreement/support plan agreed
 - **level 2** - a student who is not able to meet the targets and/or is not engaging effectively with the support offered at a level 1 meeting will progress to a fitness to study level 2. There will be a meeting to discuss issues and support needs and a level 2 agreement/support plan agreed
 - **level 3** - a student who is not able to meet the targets and/or is not engaging effectively with the support offered at a level 2 meeting will progress to a fitness to study level 3. A fitness to study level 3 hearing will take place and a decision as to whether the student's place will be maintained or withdrawn.

The levels are usually followed in order, however, a student can move directly to level 2 or level 3 in cases where there is a serious concern that their medical/mental health/physical condition or disability is having a significant impact on their ability to

succeed on their study programme. This may become apparent if there is a prolonged period of absence which impacts upon their ability to maintain their learning.

5.3 If it becomes apparent, as part of the college's disciplinary procedures, that there is a need to address a student's fitness to study, then it may be appropriate for a student to move directly to the equivalent fitness to study level. For instance, a student who has already received a second formal warning could move directly to a level 2 fitness to study agreement. This decision will be made at the fitness to study meeting.

5.4 In situations where a student's medical conditions puts their own or others health and safety at risk, then the college's safeguarding policy and procedures will be followed.

5.5 Fitness to study level 1

a) If staff become concerned that there is a fitness to study issue (see appendix II for indicators), they should contact the student's pastoral mentor, outlining the concerns. The pastoral mentor will review the student's progress and, where there is medical evidence of a long term medical condition, mental health/physical condition or disability (or recent diagnosis of a significant condition), refer to the ALS department for further assessment. If further evidence is required, the issue may be referred initially back to the pastoral mentor. After considering the evidence, a support plan will be put in place, which may include a **fitness to study level 1** agreement.

b) Where a fitness to study level 1 agreement is deemed appropriate, a meeting will be called between the student, parent(s)/carer(s), Additional Learning Support (ALS) Key Worker, pastoral mentor, second in department (additional support) and any other relevant member of staff in order to set out the reasonable adjustments, targets and support to enable the student to succeed. A written record of the meeting will be taken and shared with the student, parent(s)/carer(s) and with staff via EMRIS.

c) The fitness to study agreement, level of attendance and progress of the student will be monitored and reviewed weekly by the Fitness to Study Review Board which will consist of the head of Additional Learning Support, second in department (additional support) and ALS key workers. Prior to the review, ALS key workers will review attendance and progress data and consult with teachers and other relevant staff, as appropriate. The possible outcomes of the review board:

- Targets met - fitness to study agreement no longer required
- Fitness to study agreement extended
- Student does not meet the expected level of attendance to qualify for monthly bursary payment
- In cases where the student is not able to meet their targets, and/or is not engaging effectively with the support offered, progress to a fitness to study level 2, or level 3.

5.6 Fitness to study level 2

a) A student will usually progress to level 2 if they have not been not able to meet the targets and/or are not engaging effectively with the support offered at a

level 1 meeting. On rare occasions student may progress directly to level 2 if there is a significant concern about their fitness to study.

- b) Where a fitness to study level 2 agreement is deemed appropriate, a meeting will be called between the student, parent(s)/carer(s), ALS key worker, head of Additional Learning Support and other relevant members of staff such as a head of department, or pastoral lead. The aim of the meeting is to amend targets and review the support offered to enable the student to succeed. A written record of the meeting will be taken and shared with the student, parent(s)/carer(s) and with staff via EMRIS.
- c) Progress of the student will be monitored and reviewed weekly by the fitness to Study review board. The possible outcomes of the review board:
 - Targets met - move down to level 1 fitness to study agreement
 - Fitness to study level 2 agreement extended
 - In cases where the student is not able to meet their targets, and/or is not engaging effectively with the support offered, they may ~~he/she may~~ progress to a fitness to study level 3 hearing.

5.7 Fitness to study level 3

- a) A student will usually progress to level 3 if they have not been able to meet the targets and/or are not engaging effectively with the support offered at a level 2 meeting. On rare occasions student may progress directly to level 3 if there is an extremely significant concern about their fitness to study.
- b) A fitness to study level 3 hearing will be chaired by an assistant principal and attended by other relevant members of staff. The student and parent(s)/carers will be invited to attend.
- c) At the fitness to study level 3 hearing, the ~~panel~~ assistant principal will hear the evidence and make a decision as to whether the student's place will be:
 - maintained, and under what conditions; or
 - withdrawn by mutual agreement; or
 - withdrawn, with reasons stated, e.g. health and wellbeing, safeguarding, academic success, attendance, misconduct.
- d) The outcome of the hearing will be shared, in writing with the student and parent(s)/carer(s) within five working days. The outcomes will also be shared with staff, via EMRIS.
- e) A student whose place is withdrawn may elect to re-apply for the next academic year, pending eligibility for funding, normal admissions procedures and future fitness to study. The student should be made aware of any restrictions or other implications relating to re-applying.

- 5.8 At all stages, the student will be made aware of the nature of the concerns that have been raised, and will be given the opportunity to contribute to discussions.

- 5.9 A risk assessment may form part of the process if the student is considered to be a danger to themselves or others.
- 5.10 At all levels, there may be circumstances where students and/or parents/carers are unable to attend arranged meetings. In exceptional circumstances meeting will be rearranged although the college retains the right to hold meetings/hearings in their absence.
- 5.11 Students who miss a significant amount of lessons for health reasons but are able to keep up with their learning may be supported through a Maintaining Learning Contract (MLC). see Appendix II. This is different to students on fitness to study who are not keeping up with their learning and require more significant intervention. A student therefore may begin on fitness to study and then move onto an MLC if they are keeping up with their learning. Students will remain on an MLC providing they continue to make good progress in their learning, however, if they do not they would move back to fitness to study.

6. Supported admissions

- 6.1 In some cases, there may be concerns about a student's fitness to study at or prior to enrolment. Such concerns might be raised by the student, a parent/carer, the feeder institution, Blackpool Sixth staff, an external agency or the Local Authority.

Where necessary, a discussion will be held with the student, at or prior to enrolment, to determine how best the student may be supported within a fitness to study framework. See **Supported Admissions** interview document.

- 6.2 Where the Local Authority is requesting a place for a student with high needs and supported by an Education, Health and Care Plan, a response is required from the Principal within 15 days of request.

In such cases, a multi-disciplinary college team will undertake the process with external involvement of the family, school and/or Local Authority, as appropriate, in each individual case. 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, psychiatric and/or psychological evidence
- Reports from schools
- Physical, emotional and social needs
- Specialist treatments and therapies required
- 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.

The process will consider whether Blackpool Sixth can offer a suitable curriculum and support for the young person and a decision will be made in consultation with an

assistant principal and head of Additional Learning Support. In cases where there are significant funding implications there will be consultation with the Local Authority.

7. The appeals procedure

7.1 A student has the right to appeal against a decision to withdraw their college place under this policy and will be informed of this right.

- (i) If a student wishes to appeal against the decision made, they must do so in writing to the deputy principal within 5 working days of notification of the warning, unless there are individual circumstances preventing this timescale being met such as a religious festival.
- (ii) An appeal hearing will normally be held within 10 working days of receipt of a request. The appeal will normally be heard by the senior leadership team. The student has the right to be accompanied to the appeal hearing by a parent/carer.
- (iii) A student and parent(s)/carer(s) will be informed in writing of the outcome of the appeal within 5 working days of the appeal hearing.

8. Other related policies

- Anti-bullying Policy
- Assessment Policy
- Attendance Policy
- Bursary Policy
- Educational Visits Policy & Procedure
- Equality Policy
- Exceptional Enrolment Policy
- Health & Safety Policy
- Positive behaviour policy and disciplinary procedures
- Safeguarding and Child Protection Policy
- Special Educational Needs and Disability Policy
- Special Leave Policy
- Substance Misuse Policy
- Use of Reasonable Force Policy

APPENDIX I: College points of contact

ALS referral	learning.alert@blackpoolsixth.ac.uk
Safeguarding referral	safeguarding.alert@blackpoolsixth.ac.uk
Head of Additional Learning Support	david.williams@blackpoolsixth.ac.uk

APPENDIX II: Fitness to study indicators

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:

- 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 their fitness to study.
- 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.
- Serious attendance concerns, where a student has not engaged with study for a period of time, and with insufficient / inappropriate / no reasons being given.
- The student's disposition is such that it indicates that there may be a need to address an underlying mental health issue. For example, if a student has demonstrated mood swings or unusual behaviour, shown signs of depression, become withdrawn / aggressive / distressed / irritable, or is becoming intimidating to others.
- Behaviour, otherwise dealt with as a disciplinary matter, which is considered may be the result of an underlying physical or mental health problem.
- The student's academic performance, physical behaviour or demeanour is not acceptable and this is thought to be the result of an underlying physical or mental health problem.

APPENDIX III: Maintaining learning contracts

This Maintaining Learning Contract (MLC) forms a special arrangement to support students who have a genuine health-related reason for missing a significant amount of lessons **and** are keeping up with their learning. This is different to students on fitness to study who are not keeping up with their learning and require more significant intervention. A student therefore may begin on fitness to study and then move onto an MLC if they are keeping up with their learning. Students will remain on an MLC providing they continue to make good progress in their learning. However, if they do not they would move back to fitness to study.

The **fundamental conditions** under which an MLC may be considered are that:

- a. the student can provide sufficient evidence of circumstances likely to cause significant absence - this evidence may relate to a medical condition, caring responsibilities, pregnancy, etc.; **and**
- b. in the opinion of the teachers, the student is likely to be successful under the terms of the MLC.

It is important to note that it is college policy that students are automatically withdrawn if they have been absent for four consecutive weeks. While students are supported by an MLC, their place will not be withdrawn whilst they are successfully meeting the set targets.

This arrangement will apply as soon as a student has been interviewed and granted an MLC by the Additional Learning Support (ALS) Department.

Provision for maintaining learning contracts

1. This arrangement may be negotiated as part of a fitness to study agreement.
2. Wherever a maintaining learning contract is issued;
 - a) The student must;
 - Attend 100% of timetabled lessons wherever possible
 - Inform reception of every absence (daily or part daily)
 - Email each subject teacher, and cc the MLC key worker, to inform them of the absence and request work to be completed
 - Complete all work to at least MTG standard and submit to meet agreed deadlines
 - In the case of consecutive absences, maintain twice weekly contact with each subject teacher, and cc the MLC key worker, and provide appropriate evidence of work being up-to-date to each teacher.
 - b) The subject teacher(s) must;
 - Respond to each email received from the student, to provide relevant information, for example details of work / assessments to be completed, dates for submission
 - Where a student fails to request work following an absence, email the student as above
 - Provide feedback to the student on work submitted and CC the head of department (HoD) and MLC key worker into all emails
 - Respond to email requests for information from the MLC key worker
 - Register the student as follows:

- / student present;
- C student absent and meeting the terms of the MLC;
- O student absent and not meeting the terms of the MLC

c) The ALS department must:

- Explain the conditions of the contract to the student, set a review date (within three weeks) and record these details on EMRIS
- Ensure that the pastoral lead (PL), pastoral mentor (PM), subject teachers and HoDs are aware of the contract
- Maintain weekly contact with the relevant subject teachers to establish the extent to which the student is adhering to the conditions of the contract
- Review progress against the MLC targets within three weeks of the MLC being agreed, and within each subsequent three-week period where MLC is extended.

d) The pastoral mentor must:

- Regularly (at least weekly) check the attendance of the student via EMRIS and liaise with the MLC key worker to contact the student wherever attendance and/or learning are not being maintained
- Provide the PL with weekly updates relating to the attendance of the student
- Liaise with subject teachers to ensure that the student is regularly being set work to complete and that assessments are being submitted as agreed

3. Each MLC will have a review date agreed with the ALS department, where the contract will be either extended or removed. The period between reviews cannot exceed three weeks. For a contract extension, additional or ongoing supporting medical evidence and/or supplementary evidence may be required.

4. In preparation for the contract review, all relevant curriculum staff will be invited to contribute as to the overall assessment and performance of the student. The ALS department will liaise directly with the PM to agree one of the following three options:

- The student continues on the MLC and progress is reviewed weekly at the fitness to study review board.
- As a result of the student not being able to keep to the terms of the contract, arrangements the MLC will be removed and the student will return to the appropriate fitness to study level
- The student's circumstances are now such that an MLC is no longer required.