



“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 well-being may be negatively impacted by the continuation of study.

Policy authorisation:	Management: Senior Leadership Team
Date of policy introduction or most recent update:	September 2023
Date of next policy review:	September 2025
Policy author	Head of Additional Learning Support

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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 professional judgement that, in the best interests of a student, continuing at college is no longer the best option.

- 1.4 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 condition, wellbeing issue or a disability and persists despite all reasonable adjustments having been made to accommodate it.
- 1.5 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.
- 1.6 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.
- 1.7 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.

- 1.8 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.
- 1.9 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 The primary focus of this policy is about the health, safety and wellbeing of the student and what's in their best interest.
- 4.2 Each case will be considered on its individual merits, including academic progress and the impact this is having on the student's wellbeing.
- 4.3 We will do our best to get a full understanding of a student's needs and their lived experience and use this information to inform decisions.
- 4.4 We will try to resolve any concerns informally by assessing need, offering support and putting in place reasonable adjustments, where appropriate.

- 4.5 A student has the right to be advised of the reason for any 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 their absence.
- 4.6 Details of the outcome of meetings/interventions, including barriers to learning, support offered and agreed targets / expectations, will be recorded on EMRIS and shared with the student and their parents/carers, as appropriate.
- 4.7 A student who has not given or has withdrawn consent for parental/carer involvement in their education will be interviewed by a member of the safeguarding team to agree how the student will be supported throughout the procedure.
- 4.8 Disciplinary action, in line with the positive behaviour policy and disciplinary procedures, can 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.
- 4.9 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 the student to be supported through these fitness to study policy and procedures.
- 4.10 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.
- 4.11 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.

## **5. Initial concerns, support and interventions**

- 5.1 In most cases, concerns about a student's health or wellbeing will be resolved informally, with support provided by teachers, progress mentors and other support available in college, with students responding positively by taking advantage of the support available.
- 5.2 Where the issue cannot be resolved informally a member of staff should complete a "Request for support form" outlining the concerns and any action/support that has already been offered.
- 5.3 A member of the wellbeing team will review the individual circumstances and evidence available and refer to the most appropriate department for further assessment. If further evidence is required, the issue may be referred back to the initial referrer.
- 5.4 Where it is assessed that more targeted support is needed, the following will normally be put in place:
- A member of the student support team allocated to act as key supporter for the student.
  - An initial meeting with a key support worker will be arranged to:
    - ASSESS - get a better understanding of individual circumstances, identify barriers/challenges, identify unmet support needs,
    - PLAN - discuss potential support that is available and agree on a support plan.

- DO - agree what support the college will provide and what the student is expected to do
  - REVIEW - a review date will be agreed.
  - A summary of the meeting will be recorded on EMRIS and shared with the student and their parents/carers, as appropriate.
  - The student's progress will be monitored and weekly by the key support worker.
- 5.5 Where there are continuing concerns, this process of Assess, Plan, Do, Review meetings may be repeated to put in place further adjustments and support.
- 5.6 There may be occasions when a student's mental or physical health is so affected that it becomes clear that they cannot reasonably be expected to complete their studies despite the support put in place. In this situation, a decision will be made by the Head of Additional Learning Support or a member of the senior leadership team whether it is in the best interests of the student to hold a review of college place (fitness to study meeting).

## **6. Review of college place meeting (fitness to study)**

- 6.1 A student will usually progress to a review of college place meeting (fitness to study) if they have not been able to meet the targets agreed during the assess, plan, do, review process described in section 5 and/or are not engaging effectively with the support offered previously.
- 6.2 In some cases, a student may progress directly to a review of college place meeting (fitness to study) if there are significant concerns about their fitness to study, for example a prolonged period of absence due to illness or when health/wellbeing concerns are impacting the ability to meet the learning outcomes of the course.
- 6.3 A review of college place meeting will be chaired by a member of the leadership team and attended by other relevant members of staff.
- 6.4 Prior to the review of college place meeting, students and their parent(s)/carer(s) will receive a formal invitation. The invitation will include details of the reasons for the meeting and confirmation of the possible outcomes. The student will be signposted to this policy, which is available on the college's website. If the student requests extra time, the meeting may be put back for a period not longer than 5 college days.
- 6.5 A student may be accompanied by a parent(s)/carer(s) and/or a member of staff to support the student. If a student wishes another representative to attend this must be approved by the senior leadership team.
- 6.6 There may be circumstances where students and/or parents/carers are unable to attend arranged meetings. In exceptional circumstances meetings will be rearranged although the college retains the right to hold meetings/hearings in their absence.
- 6.7 At the review of college place meeting, the chair will state the reason(s) for the meeting and give a summary of the supporting evidence. The student will have the opportunity to present their case and any supporting evidence.
- 6.8 The chair will 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.
- 6.9 A risk assessment and risk management plan may be put in place if the student is considered to be a risk to themselves or others.
- 6.10 The outcome of the review of college place meeting 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.
- 6.11 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.
- 6.12 A student has the right to appeal against the outcome of a review of college place meeting (fitness to study). Appeals must be made in writing to the Deputy Principal within 5 working days of notification of the outcome of the meeting.

## **7. The appeals procedure**

- 7.1 A student has the right to appeal against the outcome of a review of college place meeting. Students and parent(s)/carer(s) will be informed of this right in writing.
- 7.2 If a student wishes to appeal, they must do so in writing to the Deputy Principal within 5 working days of notification of the outcome, unless there are individual circumstances preventing this timescale being met such as college holidays or a religious festival.
- 7.3 The appeal letter must include full details of the grounds of appeal and full evidence in support of the appeal request. Potential grounds of appeal could include that:
- new evidence has come to light that should be considered
  - the sanction imposed is perceived as too severe or disproportionate
  - there was perceived unfairness or bias among the original decision-makers
  - college policy/procedures were not followed
- 7.4 An appeal hearing will usually be held within 5 working days of receipt of the request. The student and parent(s)/carer(s) will be informed in writing of the date, time and place of the appeal hearing. If the student requests extra time to prepare their case, the hearing may be put back for a period not longer than 5 working days.
- 7.5 An appeal hearing will be conducted by a panel consisting of at least one member of the senior leadership team, acting as chair, and a second member of the leadership team.
- 7.6 A student may only be accompanied by parent(s)/carer(s) or a member of staff acting as the student's advocate at the appeal hearing. If a student wishes another representative to attend this must be approved by the senior leadership team.
- 7.7 The 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. Supported admissions

- 8.1 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.

- 8.2 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, or a senior leader acting with the authority of 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.



## **APPENDIX I: 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:

- Prolonged, or regular short term absences, due to a mental or physical health condition, wellbeing issue or a disability. The absence is preventing the student from making expected levels of progress.
- 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 thought to be the result of an underlying physical or mental health problem.

## **APPENDIX II: 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 progress 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 progress 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
- 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.