

| TITLE                                  |                                      | REF         | VERSION    |
|--|--------------------------------------|-------------|------------|
| Fitness to Study and Reside Procedures |                                      | LSPRO039    | 1.1        |
|  |                                      |             |            |
| DEPARTMENT                             | Group Student Support - Safeguarding |             |            |
| DATE                                   | 10/01/2023                           | REVIEW DATE | 10/01/2024 |

# Fitness to Study and Reside Policy and Procedures

## Policy Statement

Activate Learning (inclusive of Activate Apprenticeships and Business School) is committed to its vision and mission of transforming lives through learning. We achieve this by creating an inclusive learning environment which develops the skills and behaviours that prepare learners for progression to higher education and further training, apprenticeships, or employment.

Activate Learning's Learning Philosophy recognises the link between brain, motivation, and emotions - for children and adults to be able to learn, they need to feel safe, secure, and well. We therefore recognise the importance of a learner's health and wellbeing in relation their ability to study, reside at college and/or attend their work placement and we are committed to supporting them to do so safely.

This policy and procedure outline the steps to be followed when a learner's disability, learning difficulty, physical health, mental health and/or wellbeing affects their ability to study, progress on their course or work placement, reside at college and/or when this detrimentally impacts on the health and safety of others.

## Scope

This policy and procedure apply to all learners enrolled or residing at an Activate Learning college campus, apprentices, franchisees, and 14-16 students whom we support in liaison with the relevant partner school. This policy will refer to all of those listed as 'learners' for clarity. It does not cover the pre-enrolment stage where the Admissions Policy applies.

This policy covers all learner's regardless of their background or protected characteristic which are: age, disability, gender reassignment, marital or partnership status, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

## Purpose

Activate Learning recognises that learners may face a variety of difficulties and challenges affecting their health, wellbeing or behaviour which impact on the chances of success and progression, or their ability to safely attend or reside at one of our college campuses or work placement. The purpose of this policy and procedure is to ensure Activate Learning staff respond to these situations in a responsive and sensitive way with the needs of the learner and all other learners and staff at the heart of the process.

This also aims to provide a suitable response in circumstances where it is not appropriate to apply the Student Behaviour and Disciplinary policy. This may arise when a learner's behaviour requires considered and sensitive management, because of health, wellbeing, and disability issues, rather than disciplinary sanction. We aim to engage our best endeavours to provide additional support and make reasonable adjustments so that barriers are removed to enable academic success.

## Procedure

The Fitness to Study / Reside process may be appropriate in the following circumstances:

- A learner's ill-health or wellbeing means they are unable to continue with their studies or placement

- They pose a risk to their own health, safety and/or wellbeing or that of others
- A learner is (or is at risk of) adversely affecting the teaching, learning and/or experience of themselves or others by preventing them from engaging with their learning or work placement for sustained periods of time
- A learner requires support at a level that has extended well beyond that which can reasonably be expected of Activate Learning

However, it should be noted that concerns about a learner's health or wellbeing do not preclude them from being required to adhere to Activate Learning's code of conduct and from action being undertaken under the Student Behaviour and Disciplinary procedure. There may be situations where it is still appropriate to implement disciplinary measures despite concerns about a learner's health or wellbeing. This will be decided on a case-by-case basis by the Faculty Manager, Director of the Faculty or Programme Manager, in conjunction with the Safeguarding Team.

### **Initial response**

Activate Learning seeks to promote early intervention therefore concerns regarding a learner's health or wellbeing should be shared with staff at the earliest opportunity. Concerns about a learner may be raised by a variety of people e.g., they themselves, parent/carer(s), staff, work placement, provider, other learners, and 3<sup>rd</sup> parties such as health or social care professionals.

If staff have concerns regarding a learner's health, wellbeing, or behaviour, and there is no indication of harm to them or others, staff should raise their concern with the learner and their parent/carer(s) (if under 18 or 25 with an EHCP). Staff should offer and agree appropriate support for the learner to enable them to continue accessing their studies, placement or accommodation and any actions agreed should be clearly recorded on ProMonitor or Smart Assessor.

Actions may include:

- Signposting or referring the learner to appropriate college support e.g., counselling, exam arrangements, financial support, progress coaches, Learning Support or Safeguarding Team
- Signposting the apprentice to appropriate workplace support e.g., HR or relevant learning and development opportunities
- Signposting the learner to appropriate external sources of support e.g., to their GP
- Referring the student to the Retention Panel in college
- Implementing SMART targets for the learner to work towards and setting a review date
- Referring to other Activate Learning procedures e.g., Student Behaviour and Disciplinary procedure
- Implementing reasonable adjustments for the learner

Reasonable adjustments are measures that Activate Learning may take in order to ensure that learners are not placed at a substantial disadvantage due to their disability, difficulty or additional need. All reasonable adjustments should be financially reasonable and practical for all parties and should not compromise the academic standards, health and safety regulations or the interest, achievement and wellbeing of others.

### **Initiating the Fitness to Study/Reside Procedure -**

If, in the opinion of Activate Learning staff, this does not adequately resolve the concerns, the concerns worsen or the concern is sufficiently serious, staff should initiate the Fitness to Study / Reside procedure (appendix 1).

Where the concern(s) indicate there is a risk of harm to the learner and/or others, or there is evidence of 3<sup>rd</sup> party involvement (e.g., health professionals, social care, mental health services), staff must raise this with the Safeguarding Team. The Safeguarding Team will ensure active collaboration between staff, the learner and 3<sup>rd</sup> parties to provide a consistent and coordinated approach to ensure education (and where applicable accommodation or work placement) continues to remain accessible. This could include updating a learner's support plan, risk assessment or PEEP.

In the event, it is believed that there is a significant or imminent risk to self or others, it may be appropriate

for the learner to be suspended, temporarily, until further information is gathered and a Fitness to Study / Reside meeting can take place. This will be decided on a case-by-case basis by the Safeguarding Team and Faculty staff.

A Fitness to Study and/or Reside meeting will be convened by the Faculty Manager, Director of Faculty or Programme Manager via Group Administration, and attended by the learner, their parent/carer(s) if under the age of 18 or 25 with an EHCP, and a representative of the Safeguarding Team. Learners may also wish to have support from the 3<sup>rd</sup> party professional(s) supporting them or wish to bring evidence of their fitness to study/work from a recognised professional (e.g., a GP, mental health specialist).

This meeting is an opportunity to assess whether the learner is considered fit to study/work or fit to reside. For a learner to be considered fit to study, work or reside the following must apply:

- Learner must be able to benefit from the programme of study/placement and for the required period, with a reasonable chance of achievement and progression. (The diversity of our student 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 must be able to function independently or with allocated support in academic, work, residential and community environments.
- A learner's mental or physical health needs should not unduly disrupt the learning or work of others in the college community or workplace.
- A learner residing in accommodation must be capable of independent living, and able to do so without causing unreasonable disruption or risk to others or posing a risk to themselves. They must observe and follow the rules and conditions of Halls to ensure this living environment.

Staff will consider:

- A minimum level of attendance may need to be maintained to allow learners to realistically achieve. The specific expectations regarding attendance will be set in each case depending on individual circumstances, however, generally academic success depends on engagement in classroom or placement activity. Long periods of complete absence or very poor attendance may make learner's studies and/or placement untenable.
- While on a temporary basis it may be reasonable for staff to be flexible with attendance due to ill physical or mental health, prolonged periods of absence may not be sustainable, as many courses cannot be taught long distance.
- There may be times when the nature of a learner's ill health requires support beyond the expertise or capacity that a college or work placement can reasonably offer.
- Learner's must prepare for assessment through completion of homework, coursework, and exam preparation. If they fall significantly behind with their deadlines, despite extensions being offered, then there comes a point at which catching up is not viable.
- The organisation must meet awarding body regulations with regards to meeting coursework deadlines, specification requirements and procedures for access arrangements.

### **Withdrawal**

There may be times when, having considered and exhausted all reasonable options, it is decided that the learner cannot meet the expectations of being an Activate Learning student, or of meeting the requirements of the course or work placement, as their physical, mental, emotional or psychological health is having an unacceptably deleterious impact upon themselves and other students, staff or visitors. This means that in rare circumstances it may not be possible for the learner to remain at the college or in their work placement.

A panel of staff (led by the Faculty Manager, Faculty Director or Programme Manager including a member of the Safeguarding Team) will review each learner's situation and may make a recommendation for withdrawal. If withdrawal is the outcome, the learner would have the right of appeal as outlined in Appendix 2.

Learners should not be withdrawn without first informing the Safeguarding Team, if there is a risk of harm,

the learner is or has been open to the Safeguarding Team, they're under the age of 18 and at risk of becoming Not in Education, Employment or Training (NEET), they have an EHCP, or they're 'cared for' by the Local Authority or a 'care leaver'. This information can be found on ProMonitor or by speaking to the Safeguarding Team.

### **Deferral**

In some situations, learners may be advised to defer their studies or placement, until they are fit to study/work/reside. If it is agreed that a restart in the following academic year is an option, a meeting with a panel of staff (led by the Faculty Manager, Faculty Director, Programme Manager and a member of the Safeguarding Team) needs to take place to ensure that there has been sufficient improvement in emotional or physical wellbeing to allow them to recommence. Any deferrals would be granted with the recommendation of external agencies involved, the agreement of parent/carer(s) if under 18 and an agreed support plan.

### **Appeals**

Appeals must be submitted in writing to the Director of Faculty or Programme Manager within 10 days of receipt of confirmation of the decision to withdraw or defer the learner under the fitness to study criteria. Appeals should include the following information:

- The learner can demonstrate a serious breach in the handling of this fitness to study 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 or working.

Appeals should be sent to Executive Directors via [feedback@activatelearning.ac.uk](mailto:feedback@activatelearning.ac.uk).

### **Legislation**

Learners with mental and physical health conditions are entitled to reasonable adjustments and appropriate support in relation to relevant legislation e.g., the Health and Safety at Work Act 1974, the Equality Act, 2010, Keeping Children Safe in Education 2022 and the Children and Families Act 2014.

All personal and sensitive information will be managed in accordance with GDPR legislation and the confidentiality clause in our Safeguarding and Child Protection policy.

There may be occasions where Activate Learning is obliged to disclose information, notwithstanding that the learner has refused consent:

- Where the learner's behaviour threatens their safety or safety of others
- Where Activate Learning would be liable to civil or criminal liability for failure to disclose
- Where failure to share information could result in a child or adult at risk being put at an increased risk of harm

## Appendices

### Appendix 1: Fitness to study process



