

Learner Disclosure and Fitness to Study Policy

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Content

	Topic	Page
1	Introduction and Purpose	3
2	Opportunities to disclose an individual's fitness to study prior to enrolment on a study programme.	3
3	Fitness to study procedure for learners already enrolled on a study programme.	4
4	Return to study	6
5	Related Policies	6

1. Introduction and purpose

Burton and South Derbyshire College [BSDC] is committed to providing learning opportunities for a wide variety of learners from individually diverse backgrounds who may present with a wide range of needs and aims to ensure that each individual has the capacity to participate satisfactorily in all aspects of college life.

The College is committed to supporting learner wellbeing and recognises that a positive approach to the management of physical and mental health and personal circumstances is crucial to a positive learning experience and academic achievement.

The College will take all reasonable steps to accommodate learners' needs, but it is recognised that there may be instances when we are unable to accommodate certain individuals. This may be because:

- The learning aims of the individual cannot be met
- The College does not have the specialist resources needed to support the learner
- The learner may pose a risk to other College users.

The latter point includes learners who have been excluded from college previously for a variety of reasons, including inappropriate behaviour and those who are in the process of rehabilitation during, or following a criminal conviction. Individual aims need to be balanced against the need to provide a safe environment for other College users, many of whom are extremely vulnerable.

It is recognised that if a decision is made not to allow a learner to attend College at a specific point in time, the position could change dependent upon individual circumstance.

The purpose of this policy is to ensure that the College provides a safe environment for all learners and staff, which is conducive to learning and progression. A clear process is in place which will enable any individual with whom there are concerns around their fitness to study.

Failure to disclose support needs that may negatively impact either on learning or on the maintenance of a safe College environment, could result in an individual learner forfeiting their place at the College.

2. Opportunities to disclose an individual's fitness to study prior to enrolment on a study programme.

Learners may wish to access an Information and Guidance [IAG] interview prior to applying for a course at the College and are able to discuss any issues or concerns relating to a learner's fitness to study. The IAG Officer, with the learner's agreement, will ensure that any issues or support needs are appropriately and discretely conveyed.

BSDC Full Time and Part Time Course Application Forms each request the declaration of:

Disability, Learning Difficulty or Health issue – to include but not restricted to:

- Physical and mental health issues
- Permanent or temporary conditions
- Behavioural or emotional issues
- Moderate / severe / multiple learning difficulties or disability
- Education Health care Plan [EHCP]
- Other

Criminal offence – to include:

- Conviction / Caution/ reprimand / warning

Behaviour issues – to include:

- Behaviour which would usually be dealt with as a disciplinary matter, which may be known to be or suspected to be the result of an underlying physical or mental health difficulty
- Where learners past behaviour concerns are either passed to us or known from previous study at the College especially in circumstances where the health, safety or wellbeing of themselves or others may be put at risk

Applicants, who tick one of the boxes regarding **Disability, Learning Difficulty, EHCP or Health issue**, will be asked further questions prior to enrolment either by telephone initially for a part time applicant or during the on-boarding process for full time applicants. Learners are also asked to state if they believe that additional support will be required whilst attending College.

Curriculum staff will most commonly be supported by a member of the Additional Learning Support [ALS] Team and have access to the Safeguarding Team, who will be able to offer advice on the type and level of support available. Additional information may be requested in order to ensure that the learners needs can be appropriately met.

There will be further opportunities at open days, keep in touch events and again on the College enrolment form, to disclose information not captured by the application form.

Medical Information will need to be shared and recorded for certain Medical Issues and a Personal Evacuation Plan [PEEP] will need to be completed for all mobility impaired learners.

Where applicants have ticked yes to **criminal conviction, caution, reprimand or warning**, further information will be requested from the applicant by the College Admission Team regarding the nature and dates of these offences, plus contact details for any involved probation or youth offending team worker. This information will be passed in confidence to Head of Services for Learners and Customer Experience, who may request further written information from the individual's Offending Support Team. Refusal to provide this information may result in the application being rejected.

Appeals against a decision not to admit a learner should be made to fitness to study panel.

Learners who fail to appropriately disclose information requested on the application form, may fail to have their needs adequately met, which may negatively impact on their ability to succeed – either on programme or during assessment.

Learners who fail to disclose information that may pose a risk to themselves, other learners or staff may be excluded from college pending an investigation. If following investigation, the College decides that it cannot reasonably manage the risk of that learner attending, the learner will forfeit their place and any expenditure already incurred.

3. Fitness to Study procedure for learners already enrolled on a study programme.

Informal action - It is expected that staff (Tutors, Course Team Leaders or Deputy Directors) will approach learners once concerns regarding fitness to study have been raised and attempt to

resolve the matter by informal discussions with the learner. The learner should be encouraged to use one or more of the support services offered by the College

Specific academic arrangements should be considered, and action plans agreed with the learner, which are regularly reviewed. The majority of cases can be resolved this way.

Procedure Stage 1 – The Initial Case Review.

The Fitness to Study Policy may be invoked when all informal avenues have been unsuccessful, the other procedures available such as the Learner Disciplinary Policy or the Withdrawal Process have been considered and deemed to be inappropriate, the learner may not be engaging, and action plans have not been met.

The purpose of the stage 1 referral is to ensure early intervention that is positive, informal action which is taken with the learner's co-operation and involvement.

Initial discussions about cases will take place as part of the withdrawal meetings and will usually be made up of the following:

- Vice Principal and Executive Director (Chair)
- Assistant Principal and Dean
- Head of Services for Learners and Customer Experience
- Co-ordinator of Progress Coaches and Wellbeing
- Careers and School Liaison Co-ordinator

Following initial discussions it will be decided if it is appropriate to continue to follow the fitness to study procedure and if so, arrange a meeting which the learner and a representative, which may be parent/guardian, is invited and in addition an academic representative from the learner's curriculum area, usually the Director.

Before the Case Review Panel meeting medical assessment may be sought, usually from the learners GP or medical practitioner. The learner will be able to submit documents for the panel to consider and will be given a copy of any documents seen by the panel. The learner may request to attend all or part of the Case Review Panel meeting. The Chair will decide whether the learner should attend.

A letter will be sent to the learner after the meeting setting out any decision made and the reasons for the decision. The panel will order its proceedings as it sees fit and may call witnesses if necessary.

The outcome agreed by the panel will normally be an outcome not already attempted as part of the informal action taken by curriculum staff. The outcomes available to the panel are:

- No further action required.
- To monitor the learner formally for a specific period of time. An action plan will be agreed with the learner detailing any steps that will need to be taken and the support to be provided. This action plan will normally detail different actions to any plan previously agreed as part of the informal action taken. Regular review meetings will be arranged with the learner and a nominated member of staff. The learner should be made aware of what will happen if the action plan is breached.
- To recommend a specific academic arrangement be put in place which may include a suspension of studies.

Such recommendations should be agreed by the learner and by the curriculum area (normally the representatives on the panel).

Serious cases and individual circumstances, for example where all previous attempts to support the learner have been unsuccessful, where the learner has little insight regarding their fitness to

study or where there is evidence of a serious risk to the health and safety of others, may require one of the following outcomes to be made with immediate action:

- A short-term suspension to allow the learner to be assessed by a medical professional, access support services both within and outside of the College or for the College to obtain further information.
- Suspension with conditions. A learner who is suspended from the College may be prohibited from participating in activities and may also be prohibited from entering the College building or have restricted rights to enter the premises. The terms of the suspension will be notified to the learner in writing, depending on the circumstances of the case. The decision to suspend a learner shall be reviewed as necessary by the panel.
- Requirement to withdraw - if the panel concludes, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the learner re-engaging with their programme, the learner may be required to withdraw. This outcome should only be considered in the most serious cases.
- Any other action considered to be appropriate and proportionate.

The Chair has the power to make the final decision if the panel is unable to make a unanimous decision. The decision will be detailed in a letter and conveyed, in person wherever possible to the learner and Director.

4. Return to study

The Case Review Panel or Fitness to Study Panel that made the recommendation regarding a suspension, or as many members of the original panel as possible, will be reconvened to consider whether the learner is fit to return to study.

Further medical evidence will be requested from the learner regarding their ability to fully engage with their studies, meet the requirements of the programme and live independently in residences or in the community. A learner will only be permitted to return if, after receiving the medical evidence, the panel is satisfied that the individual is fit to study and will consider any support that the learner may require to support a return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the learner will take personal responsibility for fully engaging with this support.

5. Related Policies

Admissions Policy
Equal Opportunities Policy
ALS and SEND Policy
CEIAG Policy
Disciplinary Policy and Procedure