

Reviewed by Employment and Personnel  
Committee: May 2022

Approved by Corporation: July 2022

Next review due: Annual - May 2023



Brockenhurst College

# **Fitness to Study and Fitness to Practise Policy**

## Introduction

Brockenhurst College's educational aim is to provide all its learners with an environment that will help them make the most of their lives through learning. The College is committed to develop the individual holistically to be the best version of themselves. An important aspect of this development includes the learner taking an active part in managing their own health and wellbeing so that they can achieve their potential. Consequently, the College expects its learners:

- To take responsibility for their attendance and punctuality thereby maximising their learning potential and have a positive attitude to learning.
- To develop moral, cultural and self-awareness.
- To develop good employability skills.
- To attend all timetabled, e-portfolio, booked sessions
- To arrive on time to lessons, fully prepared and stay for the duration of the session
- To take the appropriate steps if they are late by knocking on the door and waiting outside the room until they are given permission to enter. Late arrivals are expected to join their group/session, causing minimal disruption. On entering the class late arrivals are expected to apologise for their lateness and they should discuss their reason for lateness with the teacher/lecturer/assessor at an appropriate point. It is not College policy to refuse learners access to lessons on the grounds of poor punctuality. However, on rare occasions it is accepted that the teacher, lecturer, assessor may wish to use discretion in this matter. If this should occur, the learner is expected to report to Student Services where they will be seen by the Pastoral and Welfare Manager.
- To participate and engage with the learning objectives and schedule for the programme including handing in work on time.
- To make learning successful for everyone by behaving in a way that promotes a co-operative, positive and productive learning environment.
- To take responsibility for their learning by participating in all learning activities and progress target setting and review processes.
- To communicate concerns or issues they have regarding any learning activities via their teacher/lecturer/assessor.
- Where absence is unavoidable, learners should follow the procedures for non-attendance.
- To ensure that all missed work, due to absence from a learning session, is covered and understood at the first opportunity. This includes catching up on any work set and being aware of the deadlines.

Brockenhurst College takes the health, safety and wellbeing of all learners seriously and we recognise these as being fundamental to their academic progress. We are committed to supporting learners so that they may both feel and function well and we seek to provide a teaching and learning environment that is safe and conducive to study.

We therefore have a duty of care to respond appropriately to situations where concerns are raised about a learner so we will intervene if a learner's state of health:

- is likely to affect their ability to successfully complete their programme of study;
- presents a risk, either to themselves or to others in the College environment; compromises the teaching and learning environment so that we cannot ensure the progress, health and safety of both the learner concerned and those affected by the learner or
- where this results in unreasonable demands being placed on staff to the

detriment of other learners.

We also have a duty of care to ensure that an applicant is fit to study and may require them to delay their course start date.

This policy is intended to be supportive and as such it is for use where the staff recognise that there may be an underlying health or social concern about a learner but their present conduct, disruption or risk is perceived to be serious or has the potential for escalation to a serious nature. The College's aim is always to support learners to enable them to handle their college life effectively by providing a positive approach to the management of physical and mental health issues and to act to support a learner's experience and academic achievement. However, should the learner decline to respond positively to this supportive intervention, the College will refer to codes of conduct or other College processes and procedures.

The College strives to provide a suitable and co-ordinated response by academic and Professional Services staff in circumstances where it is not considered appropriate to apply other internal procedures such as the College's Safeguarding and Child Protection Policy and the learner disciplinary procedures. It is committed to encouraging early intervention and active collaboration between all relevant parties in managing situations where there are concerns regarding an individual's fitness to study, as well as providing a non-judgemental, consistent and sensitive approach to the management of situations which may require different levels of response according to the perceived level of concern.

No learner can be withdrawn from their programme of study and/or the College without first consulting the learner and where appropriate their parents/guardians/host family/employer in order to establish a programme of support. Only the Head of Curriculum in consultation with the appropriate Assistant Principal can withdraw a learner.

In responding to and managing situations where a learner's fitness to study is a concern, the College remains mindful of its obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment and other activities as appropriate.

It is possible that such intervention as outlined in this policy may increase a learner's experience of distress rather than appearing as an opportunity to get help. The policy should therefore be used sensitively, ensuring that the learner and the parents, guardians or advocates understand that the focus is supportive not punitive.

### **Scope**

This policy applies to learners and applicants. It applies to learners where unacceptable conduct is observed on or close-by College premises and during study activities such as outings, visits, residential, fieldwork or placements or when brought to the attention of the College. It applies to learners on work experience or representing the College in the wider community.

It applies to applicants where there is cause to believe at application that a learner may not be fit to study or where information requested is not forthcoming within stated time periods. The policy may be applied if there are concerns about a learner prior to admission to the College, which may result in refusal of a place on application or during the induction period if it is identified that the College cannot meet the needs of the learner concerned.

## **What is fitness to study?**

Fitness to study relates to an individual's capacity to participate fully, satisfactorily and appropriately in relation to their studies at Brockenhurst College. This includes participation in all aspects of their academic programme, as well as physical activities, practical assessments or mandatory competencies in practice associated with their study programme that lead them towards a final qualification, work placement and work experience, voluntary work and employment.

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The policy may be implemented by a member of staff as a result of a wide range of circumstances, including (but not restricted to the following) when:

- There is concern raised that a learner's health or wellbeing are affecting their attendance or capacity to study to the extent that they are not able to participate in their study programme to a level which will enable them to complete successfully.
- There are doubts from staff regarding a learner's fitness to study.
- Concerns about the learner's fitness to study are raised by a third party i.e. a friend, relative, employer, placement provider, member of the public, multi-agency partner, parent or medical professional.
- The learner has told a member of staff that they have concerns about their own fitness to study.
- The learner's disposition is such that it indicates that there may be a need to address an underlying mental health issue. For example, if a learner has demonstrated mood swings or unusual behaviour, shown signs of becoming withdrawn, aggressive, distressed or irritable or is becoming intimidating to others.
- Behaviour that would usually be dealt with as a disciplinary matter, may be known or suspected to be the result of an underlying physical or mental health difficulty.
- A learner's health difficulties are adversely affecting the health, safety or wellbeing of others.
- A learner's health difficulties are adversely affecting the learning, progress or likelihood of success of other learners.
- A learner's health difficulties are placing unreasonable demands on staff.

All members of staff must ensure that they consider the College safeguarding and child protection procedures alongside this procedure. If an incident occurs where there is critical concern regarding immediate risk to self or others, the Designated Safeguarding Lead (or deputies) must be informed in accordance with the College procedures.

## **Fitness to Practise (source OIA)**

Fitness to practise is the ability to meet professional standards; it is about character, professional competence and health. According to the Health and Care Professions Council (HCPC), someone is fit to practise if they have "the skills, knowledge, character and health to practise their profession safely and effectively"

As a provider Brockenhurst College has a duty to

- to ensure that students on a professional course are fit to practise in that profession, or will be when they complete the course;

- to protect present or future patients, clients, service users and members of the public;
- to safeguard public confidence in the profession;
- to comply with the requirements of professional/regulatory bodies; and
- to ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so

Where Brockenhurst College staff have concerns about a student who is already a registered member of a profession, then they have a responsibility to raise those concerns with the relevant professional body, the Disclosure and Barring Service, and/or the student's employer. The student is to be made aware of all concerns that staff have and the procedures that will be followed.

Different professions have different regulatory systems and structures and different routes to qualifying and practising. Some professions have a professional body and a separate regulator. This means that the college may have different levels of responsibility for assuring fitness to practise for the variety of professional courses they deliver.

The college teams will develop a close relationship with the professional body or regulator, usually there will be some requirements for the structure and content of the course. Professional bodies may need to approve some core or compulsory requirements for course content, to set assessment criteria, and to carry out inspections. The professional body may request that the college certifies (at a minimum) that the student has not only met the college's and/or awarding organisation's assessment criteria, but is also of good character at the end of the course. Professional bodies normally publish guidance to providers and students about fitness to practise issues. The relevant Assistant Principals and Head of Curriculum should pay close attention to that guidance, and make sure that their students know about it and understand it.

Examples of issues that may lead to fitness to practise concerns

- academic misconduct (for example plagiarism, cheating in examinations, forging records);
- other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
- health and safety breaches;
- failure to disclose convictions or other information that the student is required to disclose;
- inaccurate or falsified placement documentation;
- unsafe practice, incompetence or requiring too much supervision;
- unprofessional behaviour, including:
  - lack of respect, aggressive or poor attitude, laziness;
  - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
  - failure to self-reflect, lack of insight;

- failure to engage with investigations into unprofessional behaviour;
  - poor self-management, lack of personal accountability;
  - dishonesty;
  - breaking patient confidentiality
- behaviour away from the student's studies, including:
  - criminal conviction eg. violent offence; offence of dishonesty
  - disruptive behaviour in the community;
  - inappropriate use of social media;
- safeguarding concerns;
- poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely (see section on Health and disability issues);
- failure to seek help or engage with appropriate services in relation to health issues;
- poor communication or language skills.

There are no time limits as these concerns may arise at any time throughout the students' studies whilst they are registered on a student of the college  
All staff involved in the delivery and/or administration must be aware of the concerns and the possibility of fitness to practise implications for students on professional courses.

In general the process to be followed will be that as set out in the section below. However,

- students need to understand any allegations and/or concerns, and how they relate to the relevant professional standards and the student's fitness to practise
- reasons should be given for decisions reached about the student's health or behaviour, and what to do about it
- the investigation, any hearing and any appeals will be dealt with in accordance with existing college policies
- the student must be allowed an opportunity to put forward their explanation and reasons

## **Stages of Action**

### **Initial Support and Guidance for Learners – Preliminary Action**

Learners with a mental or physical health difficulty or who have issues affecting their fitness to study will be encouraged to consult with internal and external agencies. This process will be supported by a relevant member of College staff.

Learners will be expected to have spoken to their course leader, assessor or personal tutor about the difficulty and any related problems they are experiencing.

If a member of staff still has concerns about the learner's welfare, then they must move to the next stage of this policy. The College's Designated Safeguarding Lead (DSL) Steve Jenkin, Assistant Principal must be informed of all concerns but not necessarily the full details of the crisis/difficulties and kept up to date with further events.

### **Stage One – Informal Action**

If the actions taken to date have not proved successful, then a member of staff must speak with the learner concerned and explain concerns surrounding their fitness to study. This member of staff will be the Student Support Manager or equivalent, programme leader, or assessor. All discussions must be held in a safe and confidential environment but the learner must be aware that not all information can be kept confidential if the member of staff feels that any disclosure must be referred to the DSL/team. All discussions should be in a supportive, understanding and encouraging tone. The behaviour in question must be given a risk level (high, medium, low) and a written record of agreed actions/outcomes kept confidentially.

- The learner must be told about the behaviour that has triggered these discussions and an explanation given about the impact on their and others' study. This must be explicit and the behaviour identified and explained so that the learner has no doubt as to what has triggered these actions by the College.
- The learner must be given the opportunity to explain their own views and time taken to explore with them which services/agencies are best suited to support the learner at this time.

It is hoped that in most cases issues can be resolved at this level, the learners will respond positively, fully co-operate and take full advantage of the support available. A review period will be agreed between the learner and the member of staff which will be set not more than 10 working days from the date of the meeting. This will give the learner time to reflect and, where appropriate, seek advice from the support services available. At the end of this period a meeting will take place between the learner and the member of staff to measure progress. At this meeting it will then be agreed if further meetings are needed or if the issue has been addressed and resolved to the satisfaction of all those involved.

The informal discussions, advice and any undertakings should be documented and stored confidentially for the benefit of the learner and the College.

If a satisfactory conclusion is not reached at this stage, then the learner must be informed that the matter will be moved to the next stage of the process.

Where the learner is under 19 or vulnerable the learner's parents, carer, guardian, host family, or advocate will be contacted by telephone (followed up in writing). In rare cases, it may be necessary to contact an employer if they are a/the sponsor. This is to ensure that they are fully aware of the concerns raised and the actions arising from the meeting, including the consequences of a satisfactory conclusion not being reached which will normally mean progression to Stage 2.

### **Stage 2 – Learner Case Review Meeting**

In the event that the actions from Stage One have not been successful or that the case is too serious to be dealt with informally then a Learner Case Review Meeting will be convened by the Head of Curriculum (HoC), or the DSL or the Pastoral and Welfare Manager. Attending will be members of each team and any specialist advice identified as required. It is important that the learner agrees to attend this review.

Before the review meeting all relevant documentation should be circulated to all attendees and evidence from an independent specialist may be required.

A medical assessment will be used to determine the following matters:

- The nature and extent of any medical condition from which the learner may be suffering

- Their prognosis
- The extent to which it may affect their ability to maintain satisfactory progress and manage the demands of study and the associated impact on their everyday lives
- Any impact it may have or risk it may pose to others
- Where any additional steps should be taken by the College in light of the medical condition to enable the learners to study effectively
- Whether the learner will be receiving any ongoing medical treatment or support

The learner will be asked to authorise full disclosure to the College of the results of any examination. This will be treated with sensitivity, in confidence and compliant with all data protection requirements. If the learner refuses to share the results, then the College will base all decisions on the information supplied or seek alternative solutions to address the issue.

Further information to be provided may include

- A report on previous actions
- A risk assessment carried out by delegated staff
- Other reasonable documentation that aids decision making

The learner will be given at least 7 days' notice of the Case Review Meeting and be fully informed of the purpose of the meeting. They will receive copies of all documentation that will be under review and asked to provide, in good time, any additional information they wish to submit.

Where the learner is under 19 or vulnerable the learner's parents, carer, guardian, host family, employer (if a sponsor) will be contacted by telephone (followed up in writing). This is to ensure that they are fully aware of the concerns raised and the actions arising from the meeting, including the consequences of a satisfactory conclusion not being reached which will normally mean progression to stage 3. In the case of a looked after learner or learner on an Education, Health and Care Plan, the Case Review will be in consultation with the Local Authority.

The meeting will be chaired by the Pastoral and Welfare Manager

The purpose of the review meeting will be to ensure that:

- The learner is made fully aware of the nature of the concerns which have been raised
- The learners' views are heard and taken account of
- The best way to proceed is agreed upon
- The learner is fully aware of the possible outcomes if difficulties remain

The Chair will determine the order of the meeting. They may call witnesses and ask for further enquiries to assist in the decision making progress.

The Case Review Meeting may recommend:

- No further action and the learner continues their course of study
- To formally monitor the learner's progress for a specified amount of time. There will be a supportive action plan in place which will be monitored to ensure the learner maintains satisfactory progress. This may include:
  - Actions to be taken by the learner
  - Support and adjustments made by the College

- Actions to be taken by parents/carers/healthcare professionals or other relevant bodies
- Targets to be met
- Timescale for review not more than 15 working days from date of meeting.
- To recommend part-time study (where appropriate and available) through a revised programme of study
- To agree a period of intermission or an Agreed Break in Learning (ABiL)
- To refer to the next stage of this policy
- To be referred to the College disciplinary processes

Decisions and records to be sent to the learner within 5 working days from the date of the meeting. A copy is to be kept on the learner's file.

### **Stage three – Senior Manager's Review Panel**

This stage will be implemented if a satisfactory resolution cannot be agreed at Stage Two. Other considerations to take into account are the health and safety of the learner and other learners and the impact of learning for other learners. Consideration will be given to suspension, exclusion or a period of intermission or an ABiL

The relevant Assistant Principal will call a review meeting with at least 7 days' notice (where possible) being given. The panel will consist of the relevant Assistant Principal who will chair the panel, the Head of Curriculum and the Pastoral and Welfare Manager. The learner will be given all documentation and details of how the meeting will be conducted. The learner may submit any documentation with at least 2 days' notice (where possible) for consideration. The learner may be accompanied by someone that they elect for support. Where the learner is under 19 or vulnerable the learner's parents/carer/guardian/host family/employer will be invited to attend the review panel.

The purpose of the meeting will be to consider the evidence available, including the learner's perception of these concerns, and to reach an appropriate decision, action plan or other outcome.

The panel will review all evidence and documentation provided at previous stages of the process

The decision the panel makes will be reported to the Assistant Principal Director of Learning and Quality.

The learner will be notified of the decision within 5 working days of the meeting. The decision could be:

- To formally monitor the learner's progress for a specified period of time. An agreed action plan to be put in place for 4 weeks' at a time which is reviewed.
- The learner converts to another mode of learning
- The learner transfers to another programme
- To recommend that the learner is suspended or permanently excluded
- Any other action considered to be appropriate and proportionate

The outcome to be reported to all interested parties across the College. Discussions, advice and agreements to be recorded

### **Period of Intermission or Agreed Break in Learning (ABiL)**

For a variety of reasons, it may be appropriate to interrupt a learner's course of study. In the event of an intermission or ABiL taking place then the learner will be placed on temporary suspension and all stakeholders will be informed.

### **Temporary Suspension /Intermission/ABiL**

During temporary suspension a student

- will not be entitled to attend any teaching/learning activities
- will not be entitled to take any assessments
- will not pay any tuition fees
- will be subject to all College rules and regulations
- will inform any sponsor of the suspension

The College will

- inform all relevant authorities (where known)

### **Approval for Interruption/Intermission of Study/Temporary Suspension**

All requests must be submitted to the College before the commencement of the interruption. Application forms can be found on eBrock with the procedure to follow.

All relevant required documentation must accompany all applications. All Apprenticeship ABiL requests must be approved by the Assistant Principal Apprenticeships, Commercial and Technical before any implementation takes place via the relevant Head of Curriculum.

### **Reasons for an Interruption to Study**

- Substance misuse
- Aggressive behaviour
- Non-compliance with College policies
- Acting in a way that endangers/puts at risk other people on or off-site
- Failure to seek support to deal with an on-going medical, physical or mental problem
- Fitness to Study Policy implementation

### **Implications**

- **Funding Issues** – these need to be discussed with the Adult Student funding Adviser and is the responsibility of the learner. Ensure that funds are not claimed from the ESFA, the learner or the employer during any break
- **Timings** – to be agreed with the relevant Head of Curriculum
- **Maximum period of Interruptions** – to be no longer than 3 months or 1 half term, whichever is the longer
- **Return to study** – an agreed strategy to be implemented for a supported and productive return to study

### **On-going Support**

Regular meetings with the most appropriate individuals to be set up, attended and monitored as agreed.

### **Appeals**

**Refer to College's Appeals Policy**