



**Southport**  
**Education**  
**Group**

# **Fitness to Study**

*(including Fitness to Practise)*

## **Policy & Procedure**

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## Contents

1. Introduction .....	2
2. Aim of the Policy .....	2
3. Scope of the Policy .....	2
4. Fitness to Study Procedure .....	3
5. Suspension during Fitness to Study Assessment .....	4
6. Appeals Procedure – Exclusions and Other Sanctions .....	5
7. Review of Recommendations .....	5
8. Substitutions .....	6
9. Fitness to Practise .....	6
10. Confidentiality and Data Protection .....	6
11. Other Relevant Procedures.....	7
CONFIDENTIAL – Fitness to Study Report .....	8
Confidential: Fitness to Study Risk Assessment .....	10

## 1. Introduction

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1.1 The College aims to be a welcoming, inclusive college for all who learn or use its services. It has a positive policy of equality and diversity and strives to support learners wherever possible. It also has a duty of care to staff, learners and visitors and must endeavour to ensure that their wellbeing and health and safety are a priority at all times.

## 2. Aims of the Policy

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2.1 The aim of this policy is to:

- minimise risks presented by current or potential learners by making any reasonable adjustments, where possible, so that barriers are removed to enable academic success.
- ensure that everyone who works and learns at the College achieves their full potential in an environment free from discrimination.
- set out a clear framework for the consideration of a learner’s fitness to study or practice, for staff and learners.

2.2 The College will endeavour to meet the needs of applicants and learners with learning needs, medical conditions and disabilities. The College will make all reasonable adjustments to enable academic success and minimise any potential risks.

### 3. Scope of the Policy

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3.1 This Policy applies to potential and current learners including those on further education, higher education, school links and apprenticeship programmes.

3.2 In most cases College policies relating to conduct, behaviour and on-course performance are initiated to address poor performance and/or inappropriate behaviour, which may impact on our duty of care. However, circumstances may arise when these policies and procedures are inappropriate. This may be due to factors including:

- The nature of a learner's presentation requires support beyond the expertise or capacity that we can reasonably offer.
- Actions or incidents on-course that present a health and safety hazard.
- Actions or incidents outside of the College.

*NB: This list is not exhaustive*

3.3 Under this procedure, the College may wish to reserve the right to review the contract between the College and the learner based on risk assessment findings. There are occasions where to continue at the College is no longer in the best interests of the learner due to them being at significant risk or that the learner may put others at significant risk which cannot be effectively managed; that is:

- A risk to themselves
- A risk to their peers
- A risk to the staff of the College
- A risk to users of College facilities
- A risk to the College premises or facilities
- A risk from others

3.4 Any outcome of a risk assessment taken under this policy will apply to all College sites and all enrolment venues and programmes, wherever these are delivered.

3.5 The risks identified could relate to information / evidence arising prior to or at the time of enrolment or arising post enrolment whilst studying at the College. Instigation of this policy is at the discretion of the Vice Principal Curriculum & Support, Safeguarding Officers, or the Vice Principal Business Services/ Health & Safety Officer and can be used instead of, or in conjunction with, other College procedures.

### 4. Fitness to Study Procedure

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4.1 A Risk Assessment (Appendix 1) is to be carried out. This assessment outlines the summary of concerns, background information, progress made on course, potential risks/issues, and steps to minimise risks (such as support) and outcomes.

4.2 An Impartial Person will be assigned to the case who will act as a link between the panel and the learner. The learner and/or guardian/carer will be invited to submit a written statement if desired. In exceptional circumstances a learner may not be informed in advance that a Fitness to Study assessment will take place e.g., Safeguarding concerns whereby there will be an increased risk to the learner and/or others.

4.3 As a result of a Risk Assessment being carried out, a panel will carry out a formal review of the

Risk Assessment and supporting evidence. The learner / potential learner will be notified in writing within 15 term-time days of the proposed meeting. During periods of remote learning, this meeting may take place via a video conference meeting. The panel will consist of:

- Vice Principal (Chair) – Curriculum & Support (or Head of Student Services if not available)
- Head of Facilities Management or Health & Safety Officer
- Director or Curriculum Manager
- Safeguarding Officer or Head of Learning Support & Inclusion (where an EHCP is in place)

4.4 As part of the Fitness to Study process relevant documentation surrounding the learner will be considered and where necessary specialist advice may be sought. The panel will consider what, if any, measures can be adopted to minimise risk. Once a decision has been made it will be recorded on the risk assessment, which must be signed by the panel. The outcome may be:

- *No Action*
- *A range of steps to minimise risk, for example, alteration of programme, additional support/supervision, monitoring, a review period*
- *Recommendation to exclude or not to proceed with application process*
- *Warnings issued in line with the College's Positive Behaviour Policy. Any warnings will be recorded on ProMonitor against the learner.*
- *SMART targets set in line with College's Positive Behaviour Policy. Any targets will be recorded on ProMonitor against the learner*

4.5 The learner, or when more appropriate, their parent, guardian or link organisation (e.g. Social Worker from Children's or Adult Services, care home manager etc) will be informed in writing of the decision. During periods of remote learning, the decision may be communicated initially via telephone, with a letter sent to confirm arrangements as soon as is practicable.

4.6 Where a current learner is up to the age of 17 the Local Authority must be informed if exclusion is the outcome. If a learner is under 16 the Local Authority Educational Welfare Officer must be informed at the point of suspension and again if the decision is made to exclude.

4.7 If the learner has an Educational Health Care Plan (EHCP) the Head of Learning Support & Inclusion must be informed and an emergency review meeting with the Local Authority must be held before a learner can be withdrawn from College. During periods of remote learning, this emergency review meeting may be delayed, or convened over a video conference meeting.

## 5. Suspension during Fitness to Study Assessment

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5.1 In the case of a current learner, the College may require that the learner does not attend College until the process of Fitness to Study is complete. The following staff are empowered to send a learner home pending a decision from the senior post holder as to whether the learner should be suspended from College:

- CEO/Principal/Deputy Principals
- Vice Principal Curriculum & Support
- Head of Facilities Management
- Head of Student Services
- Safeguarding Officers

- 5.2 During this time the learner will not be allowed on College premises or to take part in College events (trips, shows etc). The learner will receive a letter from the College Principal (or Vice Principal) detailing the suspension and outlining the procedure and naming the Impartial Person. On request the Impartial Person can assist to supply study materials to the learner during any required absence under this policy. During periods of remote learning, the decision may be communicated initially via telephone, with a letter sent to confirm arrangements as soon as is practicable.
- 5.3 If a learner is also employed by the College as a member of staff, volunteer or sub-contractor the Director of Human Resources and, where appropriate, the Head of Facilities Management should be consulted.

## **6. Appeals Procedure – Exclusions and Other Sanctions**

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- 6.1.1 If a learner or potential learner wishes to appeal against the decision of the Panel this must be put in writing to the Vice Principal Curriculum & Support within 15 working days of issue of the letter advising them of the outcome.
- 6.1.2 An Appeals Panel will meet within 10 working days of receipt of the letter (or as soon as practicable if during a period of remote learning). The Principal or a Governor will chair the appeal. The panel will also include two other College managers not previously connected with the case. A member of the original panel will then be asked to present the case. All relevant documentation will be reviewed including the appeal letter and any new evidence. Where necessary specialist advice can be sought. During periods of remote learning, this meeting may be delayed, or convened over a video conference meeting.
- 6.1.3 The learner or relevant person will be informed of the decision by letter. During periods of remote learning, the decision may be communicated initially via telephone, with a letter sent to confirm arrangements as soon as is practicable.
- 6.1.4 The outcome of the appeal is final.

## **7. Review of Recommendations**

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- 7.1 Any future applications to the College will be considered. It may be possible for a learner to study at the college in the future if there has been improvement to their condition, a change to their circumstances, and where risk issues have been significantly reduced and are now manageable, resulting in the college being able to keep the learner and others safe from significant harm. Guidance will be given on what support might be appropriate to ensure future fitness to study and what evidence would be expected at enrolment to support this.
- 7.2 The Presenting Officer will then gather together all relevant documents, including the original Fitness to Study outcome and supporting documents. The original panel (with substitutions where appropriate) will then be recalled to look at the new documentation, requests and any other relevant information. During periods of remote learning, this meeting may take place with a reduced panel, or via video conference meeting.
- 7.3 The learner, or when more appropriate their parent, guardian or link organisation, will be informed in writing of the decision. During periods of remote learning, the decision may be

communicated initially via telephone, with a letter sent to confirm arrangements as soon as is practicable.

7.4 Appeals will be as above.

## 8. Substitutions

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8.1 In the Vice Principal's absence, the Principal/CEO will substitute. In the absence of the Vice Principal Curriculum & Support, the Head of Student Services may substitute. The Health and Safety Officer may substitute for the Head of Facilities Management.

## 9. Fitness to Practise

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9.1 A number of the College's further and higher education programmes may lead to learners becoming registered members of regulated professions or working within a position of trust. A learner's fitness to practice may come into question at application stage or during their enrolment at College in relation to their:

- Health or mental health
- Criminal convictions or pending convictions
- Civil proceedings (other than divorce or dissolution of a civil partnerships)
- Disciplinary procedures by a professional, regulatory body or employer
- Formal action by authorities of a safeguarding nature
- Person in a position of trust

*(This list is not exhaustive)*

9.2 Fitness to practise is communicated to applicants and learners throughout the application process from IAG, application form and interview. The onus is on the learner to establish, prior to enrolment, if they will be able to progress into their chosen profession. The learner is obliged to tell us if they have any concerns regarding their fitness to practise and the College is able to assist with any queries.

9.3 If the College have any concerns regarding a learner's Fitness to Practise moving forward, they may consult with the appropriate regulatory body, higher education institution or employer. Southport College reserve the right to withdraw/amend any references that are supplied if new concerning evidence is provided.

## 10. Data Protection

10.1 The College will comply with the Data Protection Act 2018 and General Data Protection Regulation (GDPR) by ensuring that personal data collected in relation to this policy is: -

- Collected and processed lawfully, fairly and transparently for only specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, updated and relevant and not excessive for the purposes it was collected.

- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures. Including not being transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. Personal data may be stored for longer periods solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

## 11. Confidentiality

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11.1 The Data Protection Act and GDPR are not only restrictions on disclosure of information about the College, but they are also bound by a common law duty of confidentiality. This duty prevents the College from releasing information about learners, without their consent. This duty applies to manual records as well as information held on computers.

11.2 Information which must be treated as confidential includes the names and addresses of learners and any other information about them which is not publicly known, i.e. “personal data”. Accordingly, to ensure that the College does not breach its duty, no information, even if it only exists in printed form, should be disclosed unless all the relevant procedures have been followed.

## 12. Other Relevant Procedures

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12.1 Where it is felt to be more appropriate this policy can be used alongside of, or instead of, other College procedures including:

- Admissions Policy
- Sexual Violence & Sexual Harassment Policy
- Mental Health Policy and Procedures
- Positive Behaviour Policy
- Safeguarding Policy and Procedures
- Criminal Convictions Policy
- Drugs, Alcohol and Substance Misuse Policy
- Medical Needs and Medication Policy





## CONFIDENTIAL – Fitness to Study Report

Date	
Name	
DOB	
Course	
College Link	
Panel Members	

<b>Background Information</b>

<b>Time Line</b>

<b>Summary of information obtained from</b>

<b>Progress on college course/Previous Education Provider update</b>

<b>Summary of Potential Risks / Issues</b>

**Steps to minimise risks (see attached Risk Assessment for full details):**

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**Report completed by:**

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**Date:**

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**Notes on the outcome:**

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**Panel Signatures**

<b>Name:</b>		<b>Signature</b>		<b>Date:</b>	
<b>Name:</b>		<b>Signature</b>		<b>Date:</b>	
<b>Name:</b>		<b>Signature</b>		<b>Date:</b>	
<b>Name:</b>		<b>Signature</b>		<b>Date:</b>	

### Confidential: Fitness to Study Risk Assessment

Learner Name:

What are the risks?	Evidence	Who might be harmed and how?	Level of risk (RAG)	What can be done to reduce this risk?	Residual risk (RAG)