

## HEALTH, WELLBEING AND FITNESS/ABILITY TO STUDY POLICY

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## HEALTH, WELLBEING AND FITNESS/ABILITY TO STUDY POLICY (FTS PLAN)

### 1. Introduction and Scope of the Policy

- 1.1 This is fundamentally a way of staff supporting students to ensure that they can, wherever possible, continue to study with appropriate levels of support in place to ensure their continued wellbeing and academic success.
- 1.2 Students with mental and/or physical health conditions are entitled to reasonable adjustments and support under the Equality Act, 2010. (The College will use discretion to exercise reasonable adjustment for students with general wellbeing conditions.)
- 1.3 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.
- 1.4 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 reasonable academic progress. It must be noted that:
- All reasonable adjustments should be financially reasonable and practical.
  - The College delivers 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 student attendance due to ill health or extenuating circumstances, prolonged periods of absence cannot be sustainable and will inevitably have a detrimental impact on a student's academic success.
  - There may be times when the nature of a student's ill health or circumstances 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, or may obstruct/prevent a member of staff from completing their duties effectively.

**There are therefore occasions where, for one or more of the reasons above, it will be our judgement that, in the best interests of a student, continuing at College is no longer the best option.**

- 1.5 Students may become unfit or unable to study when prolonged or regular short-term absence/s prevent them from attending their timetabled sessions, and arises out of a mental or physical health/wellbeing condition, disability or circumstance and persists despite all reasonable adjustments having been made to accommodate it. (Please see Appendix 1 for indicators).
- 1.6 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.

The fitness to study policy allows the College in exceptional cases, 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/ability 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 Wherever action under these procedures is undertaken, all stages of the procedures should be progressed as speedily as possible, whilst allowing time for any investigation where necessary.
- 1.9 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 the 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 supported admissions process will take place to assess whether a place will be offered to the applicant. (Please see Section 5.) The College makes the final decision.
- 1.10 All personal and sensitive information will be managed in accordance with the Data Protection Act 2018 and the Colleges safeguarding procedures.

## **2. Purpose**

The purpose of the policy and procedure is to:-

- 2.1 Promote student success.
- 2.2 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.
- 2.3 Ensure consistent and fair treatment in relation to action taken in response to allegations of unacceptable conduct or performance.
- 2.4 Afford the College the right to judge a student “unfit/unable 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.

## **3. General Principles**

- 3.1 A student who has not given or has withdrawn consent for parental/carer involvement in their education will be interviewed by the Designated Safeguarding Lead (DSL) or a Deputy DSL to investigate how the student will be supported throughout the procedure.

- 3.2 At every stage of the Fitness/Ability to Study plan, a student has the right to be advised of the reason for the 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 his/her/their absence.
- 3.3 Disciplinary action, in line with the Behaviour Policy and disciplinary procedures, will 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 or circumstance.
- 3.4 Written records, including targets and support agreed, will be kept of all stages of the procedure and shared with students and their parents/carers, as well as kept on file/record at the College.

#### **4. Stages of the Procedure (Fitness to Study Levels)**

- 4.1 It is hoped that in most cases concerns about fitness/ability to study can be resolved at an informal stage, and that students will respond positively, taking advantage of the support available. However, if following informal support/intervention there is still concern that a student is not fit for study then the following procedures will be followed.
- 4.2 The fitness to study procedures follows the three levels set out below:
- Level 1 – Emerging or initial concerns. An initial meeting to discuss issues and support needs and a level 1 agreement/support plan agreed. This will be reviewed monthly (or more frequently, if appropriate) by the tutor.
  - Level 2 – Continuing and/or moderate concerns. A student who is not able to meet the targets and/or is not engaging effectively with the support offered at a level 1 meeting/support plan will progress to a fitness to study level 2. There will be a meeting to discuss issues and support needs and a level 2 agreement/support plan agreed. Again, this will be reviewed monthly (or more frequently, if appropriate) by the Progress Tutor and Progress Lead/Pastoral Director.
  - SLT/PD Consultation - Severe and/or enduring concerns. A student who is not able to meet the targets and/or is not engaging effectively with the support offered at a level 2 meeting/support plan will progress to a fitness to study SLT/PD Consultation. A fitness/ability to study consultation will take place and a decision as to whether the student's place will be maintained or a withdrawal will be made. In some instances, it might be appropriate for a student to take a "break in learning" and resume their studies the following academic year. This decision would be made jointly with the student and their parent/carers.

**The levels are usually followed in order, however, a student can move directly to level 2 or a consultation in cases where there is a serious concern that their medical/mental health/physical condition, disability or circumstances are having a significant impact on their ability to succeed on their study programme. This may become apparent if there is a prolonged period of absence which impacts upon their ability to maintain their learning.**

- 4.3 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 a student to move directly to the equivalent fitness/ability to study level. For instance, a student who has

already received a formal written warning could move directly to a level 2 fitness/ability to study agreement. This decision will be made at the fitness to study meeting with the appropriate parties.

4.4 In situations where a student's medical condition puts their own or others health and safety at risk, then the College's safeguarding and/or behaviour policy and procedures will be followed. In rare instances, a temporary suspension may need to be invoked if the student poses a serious risk to their own health, safety or wellbeing or to that of other students or staff, and/or there is a risk to College property. In this instance, if appropriate, the relevant sections of the Behaviour Management Policy and/or Safeguarding Policy will be followed.

#### 4.5 Fitness to study level 1: Emerging/Initial Concerns

If staff become concerned that there is a fitness to study issue, they should contact the student's Progress Tutor in the first instance, outlining their concerns. The Progress Tutor will review the student's progress and/or attendance, and where there is evidence of a long-term medical condition, mental health/physical condition or disability (or recent diagnosis of a significant condition), discussion will be held with the Pastoral Director and Progress Tutor. Where a fitness to study level 1 agreement is deemed appropriate by all parties, a meeting will be called by the Progress Tutor between the student, parent(s)/carer(s), subject teachers and Progress Tutor. Medical evidence will be requested.

Targets will be agreed by all parties and any reasonable adjustments made to the student's study programme, if appropriate. A written record of the meeting will be taken and shared with the student, parent(s)/carer(s) and with staff via Ontrack. Parent/carers will be given a copy of the Fitness to Study Policy and Agreement plan.

The fitness to study agreement, level of attendance and progress of the student will be monitored and reviewed weekly by the Progress Tutor in their 1-1s with the Pastoral Director. They will together assess the following:

- Targets met - fitness to study agreement no longer required.
- Level 1 Fitness to Study Plan to be extended.
- In cases where the student is not able to meet their targets, and/or is not engaging effectively with the support offered, progress to a fitness to study level 2, or SLT/PD Consultation.
- A formal review, with relevant stakeholders will be held monthly (or more frequently, if appropriate) and this will be documented and recorded. This will be shared with the student, parent(s)/carer(s) and with staff via OnTrack.

#### 4.6 Fitness to study level 2: Continuing/moderate concerns

A student will usually progress to level 2 if they have not been able to meet the targets and/or are not engaging effectively with the support offered at a level 1 meeting.

Where a fitness to study level 2 agreement is deemed appropriate, a meeting will be called by the Progress Tutor between the student, parent(s)/carer(s), other relevant members of

staff such as subject teachers and/or Heads of Departments. The aim of the meeting is to amend targets and review the support offered to enable the student to succeed.

A written record of the meeting will be taken and shared with the student, parent(s)/carer(s) and with staff via OnTrack.

Progress of the student will be monitored and reviewed weekly by the Progress Tutor in their 1-1s with the Pastoral Director. The possible outcomes of the reviews:

- Targets met - move down to level 1 fitness to study agreement.
- Fitness to study level 2 agreement extended.
- In cases where the student is not able to meet their targets, and/or is not engaging effectively with the support offered, they may progress to a fitness to study consultation.
- A formal review, with relevant stakeholders will be held monthly (or more frequently, if appropriate) and this will be documented and recorded. This will be shared with the student, parent(s)/carer(s) and with staff via OnTrack.

#### 4.7 Fitness to study SLT/PD Consultation: Severe/enduring concerns

A student will usually progress to a consultation meeting if they have not been able to meet the targets and/or are not engaging effectively with the support offered at a level 2 meeting. On rare occasions, a student may progress directly to a SLT/PD Consultation if there is an extremely significant concern about their fitness to study.

A fitness to study SLT/PD consultation will be chaired by a Pastoral Director and/or member of SLT and attended by other relevant members of staff/stakeholders. The student and parent(s)/carers will be invited to attend.

At the fitness to study consultation, the Pastoral Director/SLT member will listen to evidence and make a decision, in liaison with the Vice Principal, 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.

The outcome of the hearing 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 OnTrack.

At all stages, the student will be made aware of the nature of the concerns that have been raised and will be given the opportunity to contribute to discussions.

A risk assessment may form part of the process if the student is considered to be a danger to themselves or others.

At all levels, 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.

## **5. Supported Admissions**

5.1 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, Wyke Sixth Form College 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.

5.2 A range of evidence may be utilised in the assessment which may include:

- Educational health care plan
- Medical, psychiatric and/or psychological evidence
- Reports from schools
- Physical, emotional and social needs
- Specialist treatments and therapies required
- Vulnerability and safeguarding
- 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 Wyke Sixth Form College can offer a suitable curriculum and support for the young person and a decision will be made in consultation with the Vice Principal. In cases where there are significant funding implications there will be consultation with the Local Authority.

## **6. The Appeals Procedure**

6.1 A student has the right to appeal against a decision to withdraw their College place under this policy and will be informed of this right.

- (i) If a student wishes to appeal against the decision made, they must do so in writing to the Principal within 5 working days of notification of the warning, unless there are individual circumstances preventing this timescale being met such as a religious festival.
- (ii) An appeal hearing will normally be held within 10 working days of receipt of a request. The appeal will normally be heard by the senior leadership team. The student has the right to be accompanied to the appeal hearing by a parent/carer.
- (iii) A 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.

## **7. Monitoring and Review**

7.1 This policy will be monitored by the College's Policy Review Group.

7.2 This policy will be reviewed annually.

## **8. Related College Documents**

8.1 Documents related to this policy are:

- Behaviour Management Policy
- Admissions Policy
- Equality Act (2010) <https://www.gov.uk/guidance/equality-act-2010-guidance>

## **Appendix 1 - 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:

- 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 not acceptable, and this is thought to be the result of an underlying physical or mental health problem.

## Appendix 2 - Equality Impact Assessment

	HEALTH, WELLBEING AND FITNESS/ABILITY TO STUDY POLICY		
<i>Role responsible:</i>	Vice-Principal - Pastoral	Date:	12 May 2022
<i>Briefly describe the aims, objectives &amp; purpose of this policy, procedure, practice or strategy.</i>	<p>To enable students who maybe experiencing mental and or physical health conditions to continue to study with appropriate levels of support in place to ensure their continued wellbeing and academic success.</p> <p>Making reasonable adjustments and support under the Equality Act, 2010.</p>		
	<p>Please ensure the following characteristics are considered when assessing the questions below along with any others you feel to be relevant: Gender, Sexuality, Transgenderism, Age, Race, Religion/belief, Disability, Marital/Civil partnership status, Pregnancy or maternity.</p> <p>Responses may be based on learner and staff data, complaints, feedback, research, student/staff surveys and/or professional judgement.</p>		
<i>Is there potential, or opportunity that the proposed policy, procedure practice or strategy will affect any groups adversely (including possible discrimination)? Please include any equality concerns expressed during consultation.</i>	<p>This policy only impacts those students where there is a significant physical or mental health concern that is affecting their ability to fully access or continue their studies. It is vital that due care is paid to the Equality Act, and that all provided information is considered before any decisions are made. Where possible, we will engage with any external health professionals to support any reasonable adjustments.</p>		
<i>Is there potential for, or evidence that the proposed policy, procedure or practice either promotes or fails to promote equality of opportunity for all and good relations between different groups?</i>	<p>This policy actively promotes equality of opportunity by attempting to remove barriers to learning. It requires staff to consider appropriate reasonable adjustments to ensure that students with chronic health conditions have the opportunity to complete their studies. Where reasonable adjustments are not viable, staff are required to work with a student and their family to support and advise of the appropriate options available.</p>		
<i>If any action is required as a result of this screening exercise please note them, along with any mechanisms for reviewing the impact of the policy, procedure or practice.</i>	<p>Staff training for those staff members who will be using this policy and managing FTS plans.</p>		