Fit to Study Procedures

1.1 Dealing with Disruptive Behaviour or Behaviour Otherwise giving Cause for Serious Concern

1.2 See flowchart – Appendix 1

1.3 In situations where a learner's behaviour causes concern (see Appendix 2), staff should follow the Learner Relationship Management (LRM) operational procedures. If (during the stage 1 restorative/supportive conversation) it is suspected that a learner's behaviour may be related to an ongoing or emerging mental health problem, and/or is linked to their additional learning needs (ALN) or disability, the tutor/lecturer should seek advice and support from the ALN and Wellbeing teams.

1.4 The tutor should arrange for the learner to meet with the appropriate support team to discuss their needs within 10 days. A programme of support will be suggested where appropriate. This will be communicated to the learner, Course Tutor, DHoD and HoD in line with the College's Disclosure Policy.

1.5 The ALN and Wellbeing teams will keep a central record of all referrals, actions and developments concerning each learner.

1.6 If a learner refuses to take up the supported offered and/or his/her behaviour does not improve then the individual learner's support needs are beyond the resources of the College. In this case there will be unresolved significant concerns about an individual's engagement with their study or unresolved significant concerns regarding their health or behaviour, a case conference will be arranged.

1.7 The case conference should be convened within 10 working days from the decision to take this course of action.

1.8 The conference will be chaired by a relevant Senior Manager, i.e Dean of Learner Journey, who is able to discuss the most appropriate course of action. (See Appendix 3 – Case Conference Record)

1.9 The group will include (where applicable) representative(s) from the academic department, i.e. the Course Tutor or Head of Department, ALN Co-ordinator, Safeguarding and Wellbeing Coordinator and other staff as appropriate.

1.10 The case conference may consider various options, including recommending additional support strategies, leave of absence or exclusion. In reaching any decision, due care and consideration will be exercised, to avoid as far as possible the learner being placed in a more vulnerable situation or a situation that increases the vulnerability of other learners.

1.11 It will be made clear to the learner where there are concerns relating to their mental and/or physical health and the impact upon the individual and/or other members of the College

community, that such concerns exceed the usual pastoral role and need to be referred onto specialist support.

1.12 The agreed course of action will be communicated to the learner by the appropriate Senior Manager in a meeting which will take place within 5 working days of the recommendation. The learner will be supported during this meeting by a suitable advocate of the learner's choosing. The learner will be informed:

1.12.1 of the decision and what that means for his/her study
1.12.2 of the 'Return to Study' procedure
1.12.3 that this procedure is quite separate from the College's disciplinary procedures
1.12.4 why the College is recommending this course of action.

1.13 The appropriate Senior Manager will hold a de-briefing meeting for relevant staff within 14 days of communicating the recommendations to the learner concerned. A brief record of the meeting will be made and circulated to all present and to other partners on a 'need to know' basis. The recording of information is underlined by the concept of 'latent duty' where it can be necessary to have evidence of what action has been taken in respect of supporting a learner when a disability has been declared.

1.14 It is acknowledged that though a learner has mental health difficulties, this in no way lessens the duty of care that the College owes to other learners. The duty of care to learners with mental health problems should be balanced against the duty of care to other learners. The College's support teams will work with the Course Tutor to provide any support that the other learners in the group may need.

2.0 Returning to Study

2.1 If the learner has been suspended or offered leave of absence, they will have to follow the Return to Study procedure before they can return to study.

2.2 During this process the College will ensure that the learner is assisted by the course team, with advice from the College's support services.

2.3 The College will require the learner to produce appropriate confirmation of their health and ability to resume studying.

2.4 If a learner has been under suspension from the College due to psychiatric ill-health, they will need a formal assessment by an appropriate medical practitioner or other health professional before returning to study.

2.5 A 'Return to Study and Risk Management Plan' (Appendix 4) will be signed in consultation with the learner, the Head of Additional Learning Needs and Wellbeing and their course tutor, DHoD or HoD.

2.6 This will address:

2.6.1 the specific study-related support needs of the learner in returning to education
2.6.2 the support which is reasonably required in the short term
2.6.3 involvement of and liaison with external agencies
2.6.4 any longer-term support or adjustments that are reasonably required and any conditions that might or will apply to provision.

2.7 The Return to Study and Risk Management Plan will incorporate a risk analysis that takes account of the experiences that led to the learner's initial suspension from their course and any other information that is known to be relevant.

2.8 Any return to study will be subject to the learner's co-operation with this process and full adherence to any agreements made.

2.9 Members of staff within College's support teams will be available to provide advice and support to facilitate the learner's transition back onto the course, particularly in relation to any action that might be required under the Equality Act 2010.

2.10 When return to study is not deemed to be an option, the learner should follow the existing Complaints and Appeals Policy and processes if they are not in agreement.

3.0 Confidentiality

3.1 In all cases where, in the member of staff's judgement, it would be in the learner's best interests to disclose sensitive information (e.g. so that appropriate support may be provided) the learner's informed consent should be obtained where possible.

3.2 It will be necessary to inform the learner why there might be a need to disclose sensitive information, who will have access to this information and the likely consequences of giving or withholding consent (e.g. additional support strategies such as reasonable adjustments including additional examination arrangements).

3.3 Once consent has been obtained; it is the responsibility of the person passing on the information to ensure it is done on the terms agreed with the learner.

3.4 If the learner chooses not to provide their consent, this decision should be respected. In this scenario, the implications of non-disclosure in terms of additional support should be made clear. However, there exist rare occasions when the learner's consent is withheld or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

3.4.1 When the learner's mental health has deteriorated to the extent of threatening his / her personal safety
3.4.2 When the learner is at risk of serious abuse or exploitation
3.4.3 When the learner's behaviour is adversely affecting the rights and safety of others
3.4.4 Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed)

3.5 Staff should consult with the appropriate Head Additional Learning Needs and Wellbeing if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the learner until the grounds for breaking confidentiality have been established and agreed upon.

4.0 Equality and Diversity Statement

Cardiff and Vale College is committed to the fair treatment of its users of its services, regardless of race, gender, gender identity, religion, sexual orientation, age, physical/mental disability, pregnancy or marital status.

In accordance with College procedures, this procedure was written using the principles of equality impact assessment.

5.0 Health and Safety Implications

There may be circumstances where there appears to be a conflict between Fit to Study issues and the health and safety of employees and learners. All cases will be dealt with on an individual basis.

6.0 Linked Policies

- Safeguarding – Children and Vulnerable Adults Policy
- Bullying and Harassment Policy
- Substance Misuse Policy
- Relationship Management Policy
- Disclosure Policy
- Health and Safety Policy
- Equality and Diversity Policy
- Admissions Policy
- Learner Complaints Policy

7.0 Linked Procedures

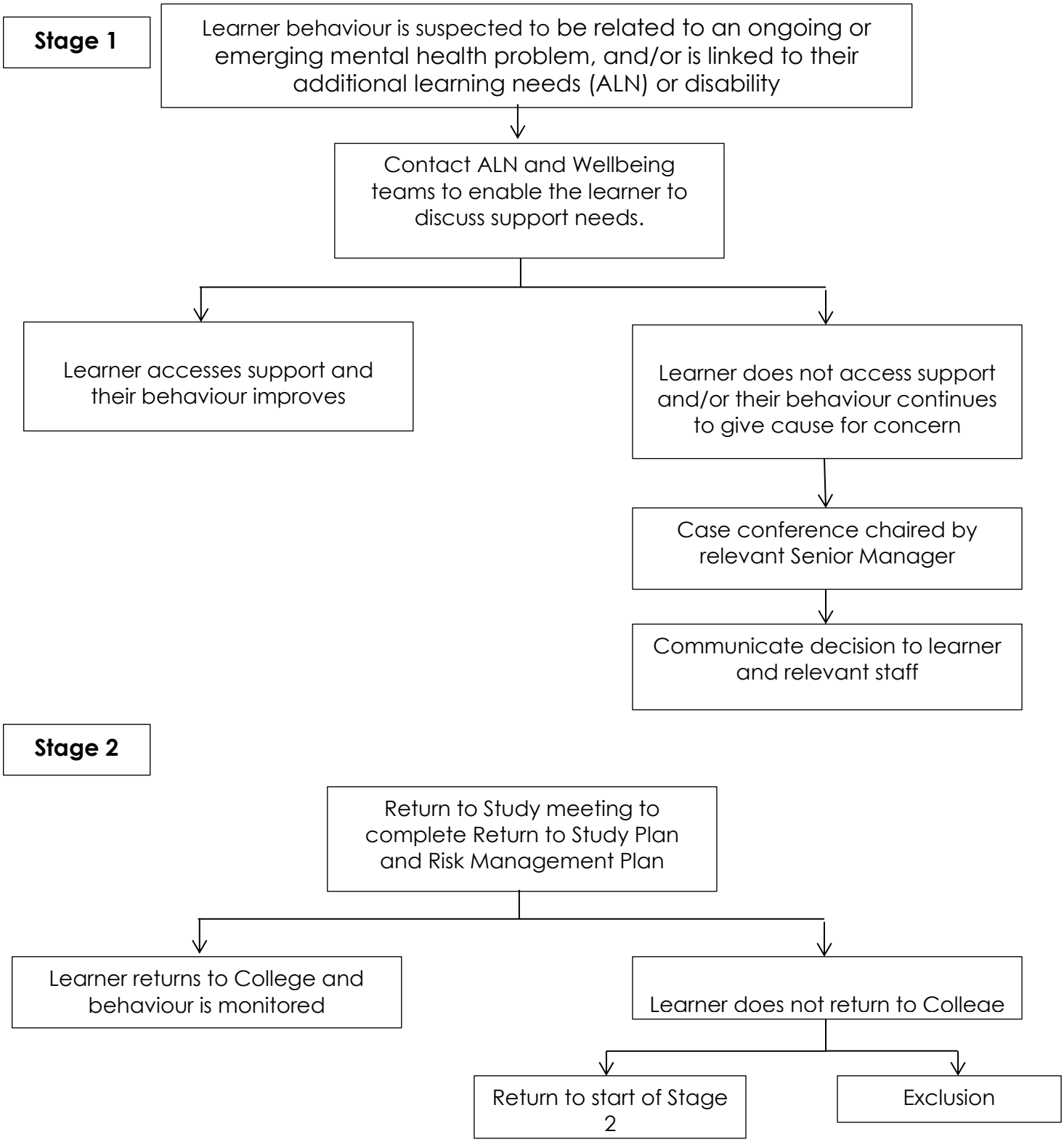
- Safeguarding Procedures
- Substance Misuse Procedures
- Relationship Management Guidance and Procedures
- Disclosure Procedures
- Learner Complaints Procedures
- Health and Safety Procedures

8.0 Location and Access to the Procedure

This is available from the website and staff portal and may be out of date if printed.

Date approved: 19 April 2013	**Responsible Manager:** Head of ALN and Wellbeing
Approved by: QSB	**Executive Lead:** Deputy Principal
Review date: September 2022	**Accessible to Learners:** Yes

Appendix 1 – Fit to Study Procedures Flow Chart



Appendix 2 – Behaviour Giving Cause for Concern

Examples of behaviour that could mean a referral under the Fit to Study Policy include:

- Behaviour that negatively impacts on others in the group
- Behaviour that makes it impossible for the learner to learn
- Quick changes in behaviour
- Outbursts etc.
- Periods of complete disengagement
- Symptoms of psychosis,
- Emotional wellbeing declining requiring risk support

Appendix 3 – Case Conference Record

Learner Name:		**SIN:**	
Course:			
Course Tutor:			
Panel Members:	**Name**	**Designation**	

What has been happening – in class, out of college?
What have you been thinking and feeling – in class, out of college?
Why has this been happening? (List medical evidence here)
Who has been affected by this? How?
What do you think needs to happen to enable you to stay at College? **What do you need? What does the College need?**

Case Conference Decision:	Continue at College with support Leave of absence from College Exclusion Other (please note)
Reason for the Decision	

Signed Chair:	
Signed Panel Members:	

Appendix 4 – Return to Study and Risk Management Plan

Learner Name:		**SIN:**	

Course:		
Course Tutor:		
Panel Members:	**Name**	**Designation**

How are you? What has been happening since we last met? What has changed?
What do you need to help you return to College?
What does your class need if you are to return to College?
What does the College need to enable you to return to your studies?
What evidence is available to support your return to College?

Case Conference Decision:	Return to College Further Leave of absence from College Exclusion Other (please note)

Reason for the Decision	

Actions agreed to support the learner's return to College.			
Action Agreed	**By Who?**	**By When?**	**Monitored by?**

Signed Chair:	
Signed Panel Members:	
Signed Learner:	
Signed Parent/Guardian (if appropriate):	