

Fitness to Study

(including Fitness to Practise)

Policy & Procedure

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Policy approved by:	SLT	Date approved:	05.09.25

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1. Introduction

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

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

3.1 This Policy applies to potential and current learners including those on further education 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 reserves the right to review the contract between the College and the learner based on an assessment of their ability to engage with study. The policy may be instigated for one of two primary reasons-

1. Significant Risk –

Where it is deemed that continuing at College is no longer appropriate due to the learner posing a significant risk to themselves or others which cannot be effectively managed. This may include:

- A risk to themselves
- A risk to their peers
- A risk to College staff
- A risk to users of College facilities
- A risk to College premises or facilities
- A risk posed by others towards the learner

2. Sustained Disengagement Due to Health or Wellbeing-

Where, as a result of ongoing medical or mental health difficulties, a learner has been unable to engage meaningfully with teaching and learning, or where it becomes clear that continued enrolment at College is having a negative impact on the learner's wellbeing. In such cases, the policy is used as a supportive framework to assess and guide the learner's ability to continue their studies and, where appropriate, to facilitate a managed break or withdrawal.

3.4 Any outcome of a risk assessment/action plan 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 Deputy Principal, Assistant Principal – Learner Development and Careers, Directors 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 – Significant Risk

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 may consist of the following -

- Director of Learner Wellbeing (Chair)
- Assistant Principal – Learner Development and Careers
- Head of Facilities Management or Health & Safety Officer
- Head of Division
- Safeguarding Officer or Director 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. Fitness to Study Procedure – Supporting Students Absent Due to Medical and Mental Health Needs

5.1 While the Fitness to Study Policy is commonly used where a learner presents a risk to themselves or others, there are circumstances where this framework may be more appropriate than behavioural or disciplinary policies, even in the absence of risk. In particular, the College may apply this policy where-

- A learner is unable to attend College or engage fully in their studies due to prolonged or repeated absence related to medical or mental health needs.
- A learner's continued enrolment appears to be having a negative impact on their health and wellbeing.
- It is clear that the learner is struggling to sustain meaningful engagement with their course despite reasonable adjustments and support.

In such cases, a supportive and structured Fitness to Study process may be initiated in order to-

- Assess the learner's current ability to engage with education;
- Provide a clear action plan for a potential phased or supported return to study;
- Identify whether a temporary or permanent withdrawal may be in the learner's best interests.

5.2 Where a concern arises, a designated member of staff (e.g. Progress Tutor, Safeguarding Officer, Student Services or Learning Support staff) will meet with the learner to understand their situation. This meeting will be framed as a supportive conversation rather than a disciplinary one.

5.3 An individualised Action Plan will be co-created with the learner and where appropriate, parents/carers and external professionals. The core intention of this plan is to support the learner in working towards a full return to in-person learning, recognising that this is generally the most effective and sustainable way to re-engage with education.

The plan may include:

- A phased return to in-person learning
- Adjusted deadlines and workload
- Access to counselling or wellbeing services
- Regular check-ins with named staff members

In cases where the learner initially makes progress but experiences a relapse in their health or circumstances, the policy and associated support will not revert to the beginning. Instead, the Action Plan will be revisited and adapted from the point at which progress paused, allowing for continuity of care and support.

5.4 All Action Plans will include a review date and named College contact. Progress will be monitored regularly, and the plan adapted where necessary in partnership with the learner.

5.5 If, despite support, the learner is unable to engage in education or if it becomes clear that the College cannot safely or effectively meet their needs at this time, the Director of Learner Wellbeing, Director of Learning Support and Inclusion, or the Assistant Principal Learner Development or Inclusion, may take the decision that the College is not currently the right place for the learner. This will be handled sensitively, with full consideration of the learner's wellbeing and future intentions.

5.6 Learners who leave under these circumstances may reapply to College at a later date. Re-entry will be considered where there is clear evidence of improved health and readiness to re-engage with study. Applicants will be guided on what documentation or assessments may be required.

6. Suspension during Fitness to Study Assessment

- 6.1 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 or because the risk is thought to be too high without mitigations being put in place. The following staff are empowered suspend learners from College:
- Members of the Senior Leadership Team
 - Directors
 - Head of Facilities Management
- 6.2 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 Deputy 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.
- 6.3 If a learner is also employed by the College as a member of staff, volunteer or sub-contractor the Vice Principal – People and Culture and, where appropriate, the Head of Facilities Management should be consulted.

7. Appeals Procedure – Withdrawal and Other Sanctions

- 7.1 If a learner or potential learner wishes to appeal against the decision this must be put in writing to the Deputy Principal within 10 working days of issue of the letter advising them of the outcome.
- 7.2 The appeal will be reviewed by the Deputy Principal within 10 working days of receipt of the appeal letter (or as soon as practicable outside of term time). The Deputy Principal will consider all relevant documentation, including the original decision, the appeal submission and any new evidence provided. A written response will be issued to the learner (or their parent/guardian where appropriate), either upholding the appeal and outlining next steps or confirming the original decision based on the evidence available.
- 7.3 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.
- 7.4 The outcome of the appeal is final.

8. Review of Recommendations

- 8.1 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.

- 8.2 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.
- 8.3 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.
- 8.4 Appeals will be as above in Section 7

9. Fitness to Practise

9.1 A number of the College's 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

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

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	

Background Information

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Time Line

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Summary of information obtained from

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Progress on college course/Previous Education Provider update

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Summary of Potential Risks / Issues

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

Report completed by:		Date:	
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Notes on the outcome:

Panel Signatures

Name:		Signature		Date:	
Name:		Signature		Date:	
Name:		Signature		Date:	
Name:		Signature		Date:	

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)