

## P125 Fitness to Study Policy and Procedure

Issue	Date of Issue	Date of Next Review	Responsibility of	Date approved by CAFRE Education Management Team
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	CAFRE Quality Manual Index	CAFRE Website (Tick as appropriate)
Document available	✓	✓

**This document can also be produced in alternative formats upon request**

## P125 Fitness to Study Policy and Procedure

### VERSION HISTORY

Version	Description of Changes	Date
2	<ul style="list-style-type: none"><li>• Update to definitions and procedure.</li><li>• Inclusion of relation to the Learner Agreement Policy.</li><li>• Appeals section has been updated with the NIPSO and Customer Complaints procedures added.</li></ul>	March 2024

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## 1. Introduction

The College of Agriculture Food and Rural Enterprise (CAFRE) is committed to supporting and responding to learners' needs and to seeking to ensure a positive learner experience where learners can undertake their studies in a safe and inclusive learning environment and engage the wider CAFRE community.

Fitness to study relates to a learner's capacity to participate fully and satisfactorily as a learner in relation to their academic studies and learner life generally at CAFRE.

This policy and procedure will apply where a learner's mental or emotional wellbeing, physical health and/or behaviour is causing significant concern and/or having a detrimental impact on their ability to progress academically and function effectively at CAFRE. This policy puts the learner's welfare at the heart of the process.

## 2. Scope

This policy and associated procedures applies to all learners enrolled at CAFRE. This includes when they are out of college on organised college events, on placements or in their place of employment, or when they engage in off campus misconduct.

This policy applies to CAFRE residential accommodation and any college related activities away from the campus (such as work placements and study exchange).

This policy is applicable to all registered learners throughout their time at CAFRE, including those who are seeking a return to study and whose enrolment has previously been interrupted or suspended under this policy.

Where it is deemed appropriate, the college may implement alternative procedures (e.g. the Learner Discipline policy or a course-specific Fitness to Practise policy) instead of, or in addition to, acting under this policy.

## 3. Objectives

This policy and procedure are intended to ensure an appropriate and coordinated response in situations:

- To prompt early action/intervention as deemed necessary where concerns arise over a learner's perceived fitness to study, and
- To provide opportunity for learners to engage with additional support to participate in college life and complete their studies.
- To summarise the fitness to study procedures.
- Where other internal procedures (e.g. those relating to learner's academic performance, fitness to practice, recommendations for reasonable adjustments or learner discipline procedures) are deemed to be less appropriate or have already been exhausted.

#### **4. When this Policy Should be Used**

This policy should be used in circumstances where a learner's fitness to study gives cause for concern and other procedures are not considered appropriate at the time or have already been exhausted.

The college will respond to and manage situations where a learner's fitness to study is a concern e.g. where:

- a. There is evidence of significant non-engagement by the learner with their studies, which have not been satisfactorily addressed through other interventions and procedures.
- b. A learner's support needs are beyond the type or level of support which the college can reasonably be expected to provide (including, but not limited to, the learner's health, wellbeing and/or disability support needs which cannot be mitigated through reasonable adjustments).
- c. There is evidence that the learner is struggling academically and is becoming too dependent on academic and/or learning support.
- d. A learner poses a risk to their own health, safety or wellbeing and/or that of others.
- e. A learner's behaviour is or is at risk of negatively affecting the teaching, learning and/or college experience of other learners.
- f. A learner's behaviour is or is at risk of negatively affecting the day-to-day activities or reputation of the College and/or a placement provider.

In responding to and managing situations where a learner's fitness to study is a concern, CAFRE will remain mindful of its duty of care and of its obligations under the Equality Act 2010 including its duty to make reasonable adjustments. The college will be mindful of the sensitive and confidential nature of fitness to study matters and its obligations under all data protection legislation (including General Data Protection Regulations and the Data Protection Act 2018).

#### **5. General Principles**

The college will ensure that they offer and encourage learners to seek appropriate support as soon as possible, for example by referring learners to the appropriate support service such as their GP, Student Counselling Service, or health care professional to mitigate the matters that give rise to concerns actioned under this policy.

The College will work with the learner concerned in a spirit of support and co-operation and will seek to reach a mutually agreeable outcome wherever possible. Each matter will be dealt with on the basis of its individual circumstances. Any decision reached about a learner's fitness to study will be made, wherever possible, through an inclusive process involving the learner and other individuals such as CAFRE staff, health care professionals and Student Support Services as appropriate in the circumstances.

The circumstances that may give rise to concerns regarding a learner's fitness to study will vary. Examples may include (but are not limited to) a deterioration in a learner's physical health, substance misuse, marked changes in appearance/demeanour, development of unreasonable,

uncooperative or aggressive behaviours or other behaviours which could reflect a deterioration in their mental or physical health which all generally leads to a deterioration in academic performance.

Any member of staff to whom a concern about a learner's fitness to study is reported, or who themselves has a concern, may wish to discuss their concerns with the Student Support Officer. In so doing, they must remain mindful of the confidential and sensitive nature of the matters being discussed. Concerns about a learner's health or well-being should be acted on promptly. Early intervention and support can minimise the risk of further deterioration in health and well-being.

## **6. Procedure for Dealing with Concerns**

The procedure to be followed and the level of the concern are set out in Appendix 1. However, depending on the nature of the concern or risk posed, Level 1 or Level 2 can be bypassed if determined by the relevant Head of Branch without any requirement for Level 1 to have been implemented or exhausted. The provision for a temporary suspension in situations that require immediate action are provided at each stage.

Level 1 will typically be implemented in response to initial (non-critical) concerns about a learner's fitness to study, with the intention of seeking a successful resolution of the matter.

The student will be notified of the identity of the staff member dealing with the case and, subject to any obligations of confidentiality, will normally be informed of the identity of anyone that the college consults about the case. This may include the campus Student Support Office or a member of the Safeguarding Team to ensure that the learner's immediate support needs are adequately considered and to confirm the appropriateness of invoking this policy.

The student should be encouraged to engage with the Student Support Services offered by CAFRE and where appropriate external providers including the college counselling service.

Where possible at least two working days' notice of any planned Fitness to Study meeting will be given. However, a Head of Branch can waive this requirement where there are health and safety or security concerns.

In addition, in accordance with the Learner Agreement any learner being taken through this procedure will be entitled to be accompanied and/or represented at Fitness to Study meetings by a staff member, fellow learner, parent or guardian, health care professional or disability support worker, where appropriate. The college does not permit students to have legal representation at these meetings.

If a learner is unwilling or unable to attend a Fitness to Study meeting or participate in any other aspect of the procedure, the College may still follow the procedure where it is reasonable to do so. CAFRE may also deal with issues based on written reports and/or statements in the absence of the learner and/or their representative.

## 7. Appeals

The learner has the right to appeal a formal decision made by CAFRE. This means that the learner is requesting another individual (or a number of individuals) with the appropriate authority to review the previous decision. The appeal will be considered by an independent Head of Branch, supported by a panel of CAFRE Education Service staff.

The appeal must be submitted:

- Within 10 working days of the decision leading to the appeal, and,
- In writing, either by letter or email to [CAFREappeals@daera-ni.gov.uk](mailto:CAFREappeals@daera-ni.gov.uk).

CAFRE will aim to notify the learner of the outcome of their appeal within 10 working days of the date when the learner submitted their written appeal.

## 8. Northern Ireland Public Service Ombudsman (NIPSO)

The decision of the respective appeals panel is final and there is no right to appeal to CAFRE. However, if the learner remains dissatisfied, they have the right to refer the appeal to the Northern Ireland Public Services Ombudsman. Further information about these processes can be found at [www.nipso.org.uk](http://www.nipso.org.uk).

## 9. Customer Complaints Procedure

CAFRE is committed to providing its customers with a high standard of service. We welcome comments on the quality of service received and suggestions on how we can improve our service.

A customer service complaint is any communication to us, which expresses dissatisfaction with the quality of our service. Complaints regarding the disciplinary process will be considered by an independent Head of Branch. This should be submitted in writing (including dates, times, location of event and staff involved) to [CAFREappeals@daera-ni.gov.uk](mailto:CAFREappeals@daera-ni.gov.uk).

## Appendix 1: Fitness to Study Procedure

Stage	Process and purpose	Possible outcomes	Return to Study
<b>Level 1</b> Initial Concerns	<ul style="list-style-type: none"> <li>Information on the Learner is gathered by the Year Manager from the course team / the Residential Support Team and submitted to the Programme Manager.</li> <li>The Programme Manager consults with the Student Support Officer about the learner.</li> <li>The learner will be invited by the Programme Manager to attend an informal and supportive Fitness to Study review meeting.</li> <li>Interview conducted by Programme Manager, with the Student Support Officer (SSO) and Year Manager or personal tutor if appropriate present.</li> <li>Purpose of meeting – to have an open conversation to get the learner’s views and agree an action plan if appropriate.</li> <li>Written summary produced, copied to the learner and placed in the learner’s file.</li> </ul>	<ul style="list-style-type: none"> <li>Request that the learner engages with support professionals.</li> <li>Request further information (e.g. from their GP).</li> <li>Put in place reasonable adjustments or additional support as required.</li> <li>Agree engagement with parents/other organisations.</li> <li>Agree an action plan and review date.</li> <li>Refer to the next level for further consideration if concern over progress/likely resolution.</li> </ul> <p><b>NB:</b> Failure to engage with the process including non-attendance when requested without an acceptable reason or non-compliance with the action plan will generally result in referral to Level 2.</p>	<p>Following a period of absence from for recuperation or treatment, it may be appropriate for the learner to resume studies. Prior to returning the student must produce:</p> <ul style="list-style-type: none"> <li>Evidence that supports a return to study. This evidence must be from a qualified medical professional who knows the learner and is in a position to comment on their ability to resume their studies with no further adverse effects. This is applicable for those learners who exited on the basis of a medical need.</li> <li>A CAMHS or psychiatry letter will only be accepted for those learners who were suspended due to poor emotional wellbeing.</li> </ul>
<b>Level 2</b> Ongoing and/or further concerns	<ul style="list-style-type: none"> <li>The learner will be invited to attend a meeting with the Head of Branch, Student Support Officer, Programme Manager and any other representatives as deemed appropriate by Head of Branch.</li> <li>Purpose of the meeting –             <ul style="list-style-type: none"> <li>To share concerns with the learner and the extent to which their condition can be managed by them and by the college.</li> <li>To put in place an action plan to deal with these concerns.</li> </ul> </li> </ul>	<p>As for Level 1 plus:</p> <ul style="list-style-type: none"> <li>Recommend a compulsory temporary suspension from their programme of study and/or accommodation.</li> <li>Return from a temporary suspension can be conditional on the learner engaging willingly and cooperatively in the process of discussion and resolution. This may include a requirement to engage with the Student Support Officer at regular intervals.</li> <li>Deferral until the following academic year.</li> </ul>	<p>Learners must submit this information no later than 2 weeks before their anticipated date of return, this is to ensure that both academic and residential teams have sufficient time to discuss and review the evidence submitted. A joint decision will be made about the learners return and a Return to Study plan will be implemented. This plan will outline the following:</p>



Stage	Process and purpose	Possible outcomes	Return to Study
	<ul style="list-style-type: none"> <li>Appeals against conditions or suspensions imposed must be lodged with education administration as per guidance set out in the letter of notification within 10 working days of receipt of the notification. This will be considered by an Education Head of Branch not involved in the original decision.</li> </ul>	<ul style="list-style-type: none"> <li>More than one meeting can be held at Level 2 at the discretion of the Head of Branch .</li> </ul> <p><b>NB:</b> Failure to engage with the process including non-attendance without an acceptable reason or no-compliance with the action plan will generally result in referral to Level 3.</p>	<ul style="list-style-type: none"> <li>Details of any additional study support that may be required in the short term.</li> <li>Details of any therapeutic interventions such as counselling etc.</li> <li>Any longer term reasonable adjustments that may need made.</li> <li>A risk assessment and management plan, which takes account of the experiences that led to the initial suspension of studies.</li> </ul> <p>Any return to study will be subject to the learners' co-operation and full adherence to the conditions outlined.</p>
<p><b>Level 3</b> Serious, persistent and/or critical concerns</p>	<ul style="list-style-type: none"> <li>This will normally be held with the Head of Education Service, Head of Branch, Student Support Officer and other staff who have been involved in the process.</li> <li>Appeals must be lodged with education administration as per guidance set out in the letter of notification within 10 working days of receipt of the notification. This will be considered by a Head of Service not involved in the original decision.</li> </ul>	<p>As for Level 2 plus.</p> <ul style="list-style-type: none"> <li>The learner may be permanently suspended or expelled from the college. A decision on whether the learner can return to the college, with or without conditions at some time in the future, will be made at a later stage.</li> </ul>	