**Adult Community Learning Essex**

**Fitness to Learn Policy**

**Control of Document:**  Adult Community Learning Senior Leadership Team

**Policy aims and intention**

ACL is committed to supporting learner’s wellbeing and recognises that a positive approach to the management of physical and mental health issues is critical to learning and achievement as well as to the wider learner experience.

This Policy sets out how ACL may respond to instances where a concern is raised regarding a learner’s fitness to learn and the type of action that ACL may take to manage the matter and support the learner.

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| **Responsibility** | Vice Principal Quality and Compliance |
| **Original Date of Acceptance** | January 2018 |
| **Last Review date** | August 2022 |
| **Next Review date** | August 2023 |
| **Audience** | All Managers, academic and support staff, volunteers,  Learners, and other service users. |

**Method of Implementation**

Fitness to learn is monitored through:

* Safeguarding concerns
* Apprenticeship 12 weekly progress reviews
* Apprenticeship interviews
* Learner Welfare form/Risk Assessment
* E-Registers
* Observation of Teaching and Learning
* Tutor records
* Attendance and retention data including apprenticeship provision (Performance reports)
* Completion and achievement data (Performance reports)
* Individual Learning Plan
* Learner feedback
* Employer feedback (as appropriate)

ACL recognises that there may be times where a learner’s physical or mental health may give rise to concerns about their fitness to learn, for example the learner’s capacity to engage with their studies and/or to function more widely as a member of the ACL community. Such instances may arise, for example where concerns are that:

• A learner poses a risk to their own health, safety and/or wellbeing of others

• A learner’s behaviour is at risk of adversely affecting the teaching, learning and/or experience of other learners

• A learner’s behaviour is at risk of adversely affecting the day‐to‐day activities of ACL or where applicable a work provider.

• A learner’s needs fall outside the scope of the support and other services which ACL can reasonably be expected to provide.

ACL recognises that concerns may be raised by a variety of individuals, for example staff, other learners, and third parties (such as health professionals or employers). This procedure seeks to promote early intervention, active collaboration between staff, learners and third parties, and consistency of approach. Matters will be dealt with sensitively and non‐judgmentally.

Actions taken as a result of this Policy and Procedure are not of a disciplinary nature. If action is taken about a learner who is not fit to study, it will be limited to that which is necessary to protect as far as possible the interests of members of the ACL community and the learner in question. Depending on the nature and seriousness of the issue, we may also consider behavioural concerns under the ACL Charter.

Whilst we will seek to work with learners in a spirit of cooperation, in cases where a fitness to study concern has been raised about a learner which poses a serious risk to his/her health, safety and/or wellbeing and/or that of others, a risk to ACL property and/or the reputation of ACL then the Positive Behaviours Policy may be invoked.

All matters dealt with under this Policy will be dealt with according to the individual circumstances. Whilst ACL anticipates that cases of requesting that a learner does not continue to attend will be exceptional, it reserves the right to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety (for example, in crisis situations).

The policy and ensuing procedure aim to ensure that:

* The best interests of the learners are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience
* Learners are supported to study to the best of their ability, and wherever appropriate to meet the required learning outcomes and complete their course
* Learners who are experiencing difficulties are supported to address their difficulties at the earliest appropriate point
* Learners, where possible, take an active part in the process and are encouraged to make informed decisions regarding options available
* Any reasonable adjustments that the learner may be entitled to are considered and where appropriate put in place
* Learners receive a non-judgmental, consistent, and sensitive approach to the management of situations.

ACL is committed to equal access to the curriculum for all its learners irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation or social and economic circumstances.

In implementing this Policy, ACL will at all times remain mindful of its duty of care and its obligations to learners under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to study matters and of its obligations under GDPR.

**Procedure**

The learner will be contacted by the relevant Manager who will inform them that there is a concern about their fitness to study, the nature of the concern, and invite them to a meeting to discuss (the learner will be provided with a copy of this policy) the concern, any support needs the learner may have, and to seek to identify the learner’s perception of the concern. The learner will be given a full opportunity to respond to the concern and will be entitled to be accompanied at the meeting. The learner will be given at least 24 hours written notice of the meeting. The Manager will consult with and/or seek information from other relevant persons (for example, members of academic or support staff, health professionals or advocates) in order to investigate the matter and to identify support for the learner. Records of any previous meetings under this Procedure and any action plans will be made available.

**Actions may include (but are not limited to) one or more of the following outcomes:**

* Support arrangements and/or reasonable adjustments to be put in place for the learner. Staff dealing with learners will consider what support may be offered to students both from ACL (for example, by the Learning Support Team) and externally (for example, referring students to local GPs or mental health services). Learners will be encouraged to seek support.
* The Welfare form/ RA to be reviewed/completed, where possible with the agreement of the learner, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she will seek).
* the learner be permitted to continue to study by means of formal or informal distance learning with appropriate support.
* It is recommended to the learner that she/he take a break from learning.
* The exclusion process followed, and the learner is suspended for a period of time or excluded from all ACL Centres
* A decision is made that the course the learner is attending is not appropriate for their level of ability at this time and advice and guidance is given to enable the learner if they wish to enroll on a more suitable programme.

If after the meeting the learner disagrees with the outcome, they may appeal against the decision.

* In the first instance Appeals will be made to the Vice Principal
* In the event that a learner does not accept the decision a final appeal may be made to the ACL Principal.

**Breaks in Learning**

A break in learning can be used for economic reasons, long term sickness, maternity leave, religious trips, etc.

The learner with the tutor’s agreement can suspend a learning aim while the learner takes a break from learning. This allows the learner to continue learning at a later date with the same eligibility that applied when they first started their learning aim.

Learners will not be funded during a break in learning. Evidence that the learner agrees to return and continue with the same learning aim, otherwise we must report the learner as withdrawn. A break in learning must not be used for short-term absences, such as holidays or short-term illness

**Links to other ACL policies:**

Adult Safeguarding Policy

Positive Behaviours Policy

Children and Young people Safeguarding Policy

Attendance Policy

Learning Support Policy

Equality and Diversity policy

Health and Safety Policy

Disability Policy