

# National Modern Languages SCITT

## Fitness to Study Policy

**Important:** this document can only be considered valid when viewed on the Trust or School website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.

<b>Version number:</b>	1.3
<b>Implementation date:</b>	August 2017
<b>Next review:</b>	January 2022
<b>Name and job title of author:</b>	Katrin Sredzki-Seamer, Director of the National Modern Languages SCITT
<b>Target audience:</b>	Staff / Trainees / O.I.A
<b>Related documents:</b>	The National Modern Languages SCITT's agreement between Chorus Education Trust and the Trainee. NML SCITT Trainees Code of Conduct Placement Schools' Code of Conduct NML SCITT Fitness to Practice Policy & Procedure NML SCITT Discipline Policy & Procedure NML SCITT Complaints Procedure NML SCITT Assessment Policy

## Contents

Introduction.....	3
Purpose .....	3
Aims .....	4
Grounds for concerns about a Trainee’s Fitness to Study .....	5
Stages in the Process.....	6
Stage 1: emerging or initial concerns.....	6
Stage 2: continuing and/or significant concerns .....	7
Stage 3: serious or persistent concerns .....	7
Review of/end of interruption/suspension .....	8
Appeals .....	8
Completion of Procedures .....	9
Office of the Independent Adjudicator (OIA) .....	<b>Error! Bookmark not defined.</b>

## Introduction

The National Modern Languages (NML) SCITT is committed to supporting and responding to trainee needs and to seeking to ensure a positive experience and success in their training and studies.

The NML SCITT is committed to supporting trainees when difficulties arise and recognises the importance of a student's health and wellbeing in relation to his/her progression and wider training experience. The NML SCITT has a responsibility to support trainees to feel and function well in order to maximize their potential while training with us. However, there may be occasions where the health or wellbeing of a trainee causes concern to the point where it raises questions about their suitability to continue their training and studies.

The NML SCITT has a duty of care to respond appropriately to situations where there are concerns relating to visible signs of illness, mental health difficulties, psychological, personality or emotional disorders and the detrimental impact on the functioning of the individual trainee. This may arise where, for example, the NML SCITT is concerned that:

- i. A trainee's ability to study is neither manageable nor achievable in relation to specific tasks and/or activities;
- ii. A trainee poses a risk to his/her own health, safety and/or wellbeing and/or that of other persons;
- iii. The trainee's behaviour is, or is at risk of, negatively affecting the teaching, learning, and/or experience of pupils/students/fellow trainees;
- iv. The trainee's behaviour is or is at risk of negatively affecting the day-to-day activities of the School and/or the NML SCITT.

## Purpose

The purpose of this Policy and Procedure is to outline the steps that the NML SCITT will follow when concerns are raised about the fitness to study of one of its trainees, or when a trainee is returning to study following a break enforced by ill health.

This guidance explains the procedure that the NML SCITT will follow in investigating concerns about a student's fitness to study. It should be noted that this procedure applies to all trainee teachers registered with the NML SCITT but does not replace or supersede the policies of any Higher Education Institution who may be providing an academic qualification such as the PGCE on behalf of the NML SCITT. It is therefore possible that a trainee teacher can be subject to both The NML SCITT and a University's policy concurrently. The policy and process of each institution will remain the responsibility of each organisation and should be considered as standalone policies.

If the trainee has failed to comply with the expectations within the **'Fitness to Study Policy & Procedure'** requirements of The NML SCITT and the NML SCITT are no longer prepared to accept the trainee, the NML SCITT will confirm with the Placement School and PGCE Provider that the trainee should no longer attend the placement. In such circumstances, the PGCE Provider **'Trainee Fitness to Study Regulations'** and /or Disciplinary procedures will be followed if appropriate.

The document also outlines the procedure and support available where a trainee's health and wellbeing deteriorates to the point where they may not be fit to train and study, including where they may be at risk

of harm to themselves and others. It is designed to ensure a consistent and sensitive approach to managing situations.

Concerns for the health or wellbeing of a trainee can be raised by both staff and students, and this document is to be used by the NML SCITT in any situation where a trainee's welfare is at risk. Trainees will not be expected to manage these situations and should always approach the NML SCITT Course Leader, NML SCITT Hub Lead teacher, School Based Subject Mentor or NML SCITT Director if they have concerns.

School Based Subject Mentors, The NML SCITT Course Leader, and Hub Lead Teachers are the staff members most likely to identify that a trainee is experiencing difficulties and will be provided with advice and support from the NML SCITT to enable them to manage the situation initially using this procedure.

This policy is not concerned with academic progress which is dealt with under separate arrangements under the NML SCITT's academic regulations/requirements. This policy is also not about discontinuation or expulsion of trainees for misconduct as this is dealt with under the ***NML SCITT's Discipline Policy & Procedure***.

## Aims

The policy aims to ensure that:

- Appropriate consideration is given to the personal situation, their health, wellbeing and/or any disability they may experience.
- Trainees who are experiencing difficulties are supported to address their difficulties at the earliest appropriate point.
- Trainees, where possible, take an active part in the process and are encouraged to make informed decisions regarding options available.
- Reasonable adjustments are considered and implemented and where appropriate reviewed.
- Trainees are offered a non-judgemental, consistent, and sensitive approach to the management of issues. This may require different stages of response according to the perceived stage of concern.
- The NML SCITT seeks to provide a suitable and co-ordinated network around a trainee involving academic and professional services staff working together to support a trainee where their ill health impacts on their ability to train.
- Where appropriate, certain behaviours which would usually be dealt with as a disciplinary matter, may be considered under this policy.
- The NML SCITT should ensure that trainees properly consider the impact of ill-health on their ability to train and study when committing to the trainee contract.
- The NML SCITT should also discuss with the trainee whether there are strategies and support that could help them manage their training successfully, and the likely impact the pressures of training might have on a trainee who is unwell.

## Grounds for concerns about a Trainee's Fitness to Study

This might include (but not be limited to):

- progressive or sudden deterioration in a trainee teacher's attendance, engagement, quality of work, demeanour, mood swings or behaviour;
- that serious concerns about the student's well-being or safety have been expressed to a Subject Based Mentor, the Hub Lead Teacher, the NML Course Leader, the NML SCITT Director, or to any member of the NML SCITT, by a member of school staff, another trainee, a placement provider, or an external agency (e.g. care team), that indicate that there is a need to address the trainee's Fitness to Study;
- the trainee has told a member of the NML SCITT that they have a problem and/or provided information that indicates that there is a need to address the trainee's Fitness to Study;
- the trainee has behaved in a way that would otherwise be dealt with as a disciplinary matter, but independent evidence has been provided to show that the trainee's behaviour may be the result of an underlying physical or mental health problem linked to their Fitness to Study;
- the trainee's attendance and participation in their training programme (including placements or other training related activity) is not enabling them to make progress with their training and studies and there is reason to believe that this is linked to their Fitness to Study;
- the trainee's physical behaviour or demeanour is not acceptable or is causing others to fear for their safety including pupils/students, school staff and/or third parties, and is thought to be the result of an underlying physical or mental health problem;
- where a trainee has disclosed to the NML SCITT or school that they have a physical or mental impairment that has a substantial and long-term negative effect on their ability to undertake normal daily activities as a trainee.

The cause for concern can result in:

- invoking the procedure at any of the 3 stages/levels;
- staying at a level; or
- progressing through the levels should the cause for concern not be remedied by recommended and agreed actions.

In most situations, it will be appropriate to start at Stage 1 of the procedure. However, there will be some occasions when the level of risk requires a move straight to Stage 2 or 3. The level of risk must be judged based on the risk to the trainee concerned as well as the impact on students/pupils and other staff.

A trainee may disclose a mental illness or disability and may request confidentiality. This is a delicate issue and the NML SCITT should try to respect the trainee's wishes whenever possible. The NML SCITT should encourage trainees to share this type of information in order for the NML SCITT/school to offer support at an early stage. Trainees should also be informed that the NML SCITT has a duty of care to the school, staff and students/pupils and is therefore obligated to take action including alerting the school and PGCE Provider Organisation, should they have concerns about a trainee's wellbeing.

It is important whenever a trainee makes a disclosure of this nature that the NML SCITT keeps a record of any action/advice provided. The PGCE Provider Organisation will be subject to separate and over-riding obligations to declare significant health issues.

Trainees should be involved in the management of their own wellbeing wherever possible. However, there may be times where a trainee is unwilling or unable to work within these procedures. In these cases the process should continue with concerns being raised, advice being sought, and action being taken as appropriate.

If there are any concerns that, the trainee is experiencing or is at risk, as a vulnerable adult then this should be discussed between the NML SCITT and the school in the first instance. Where necessary this must be reported and actioned.

If a trainee elects to interrupt their study, the **'Fitness to Study' process** will resume should the trainee decide to return to the programme.

## Stages in the Process

### Stage 1: emerging or initial concerns

Emerging or initial concerns about an individual trainee's health, safety, or welfare are raised.

- If concerns have been identified by a member of staff, then that member of staff should refer this to the School Based Subject Mentor as soon as possible but within one working day. The School Based Subject Mentor should then refer any emerging or initial concerns to the Hub Lead Teacher or NML SCITT Course Leader and the NML SCITT administrator in writing within one working day. This will trigger a meeting with The Subject Based Mentor and the Senior Mentor Coordinator (SMC) in the school who should talk to the trainee in a sympathetic and understanding manner, and indicate that there are concerns about the trainee's fitness to teach. These concerns should be registered by use of this procedure.
- The nature of the concerns should be clearly identified, and the trainee should be encouraged to discuss the issues including the potential impact on themselves and others. The key points and agreements, including action points arising from this discussion should be recorded and communicated to the trainee.
- It should be made clear to the trainee that, whilst the school has a duty of care to support trainees with ill health, it is the trainee's responsibility to be fit for work. If appropriate, information should be provided about sources of professional support within the school or NML SCITT that the trainee can access e.g. Occupational Health or Student Support Services offered by the PGCE provider. The Subject Based Mentor or SMC should, if necessary, assist and support the trainee in making contact with that support.
- The trainee and subject based mentor should agree a date to meet within one month to review the situation (Stage 1 Review Meeting) and discuss the effectiveness of the support that the trainee has been accessing.
- A copy of the **'Record of Concern for a trainee's Health & Wellbeing'** must be sent to the trainee within 5 working days. A copy of this information should be sent to the NML SCITT Administrator and kept on the trainee's file. The trainee should be reassured that the purpose of keeping it on file is to ensure that the NML SCITT/School is providing all necessary support to ensure that the trainee continues to be fit to train.
- Trainees should be informed that if the concerns continue, any additional cause for concern arises, or they refuse to engage in the process this could result in their fitness to study being further considered by moving to Stage 2.

- The Subject Based Mentor is encouraged to make three attempts to engage with the trainee within this process as they are in the best position to have the initial meeting due to their direct observation of the fitness to study issues. If the Subject Based Mentor needs advice and support or feels unsure about whether to invoke this procedure, they should always be seeking advice from the Hub Lead Teacher or NML SCITT Course Leader as well as the SMC at their school.

## Stage 2: continuing and/or significant concerns

- Continuing or significant concerns about an individual trainee's health, safety, or welfare are raised.
- Stage 2 will be carried out by the NML SCITT who will work collaboratively with staff within the school who will contact The Hub Lead Teacher or The NML SCITT Course Leader if they think there are grounds to move to Stage 2. The final decision on whether stage 2 of the procedure is invoked will be taken by the NML SCITT Director after receiving information from The NML SCITT Course Leader.
- The trainee will be invited to meet with The Hub Lead Teacher or NML SCITT Course Leader to discuss the issues with representatives of the school who have raised the concerns. Ideally, this should be arranged within 5 working days of the decision to move to stage 2. The trainee will be informed that engaging with stage 2 of the procedure is mandatory and refusal to engage may result in further escalation to stage 3.
- The purpose of the meeting will be to ascertain the trainee's perception of the issues that have been identified including the impact which his/her ill health and/or behaviour are having upon him/herself and/or the school. This meeting should be supportive and aimed at assisting the trainee to progress on their training programme.
- The trainee should be informed of the purpose of the meeting and advised of any documents s/he may be required to bring. The trainee may be accompanied by someone to this meeting; e.g. a support worker, family member, trade union representative, sign language interpreter or mental health worker.
- During the meeting, a mutually agreed action plan will be put in place to support the trainee and formally agree expectations for the trainee to observe. This Action Plan will have a specific review date and the consequences of not keeping to the agreed plan must be clearly outlined to the trainee. The trainee should be informed that if the concerning behaviours discussed continue, or any additional cause for concern arises, this could result in their fitness to study being further considered by moving to Stage 3.
- If an action plan cannot be agreed at Stage 2 then the case must move to Stage 3.

## Stage 3: serious or persistent concerns

- Serious or persistent concerns are raised about a trainee's health, actions, or behaviours that are putting the health, safety, wellbeing, or progress of him/her or students/pupils at significant risk.
- The NML SCITT Director will call a 'Case Conference' to discuss the situation. Those present at the Case Conference will include the NML Course Leader, the Hub Lead teacher (where in a hub) and representatives from the school.
- The trainee will be informed of the case conference in writing and will be entitled to submit written representations and at the discretion of the NML SCITT Director, the trainee with their support representatives will be invited to attend.

- The case conference will determine an agreed action or enhanced action plan, or a recommendation for a possible interruption/suspension on health and wellbeing grounds. Where appropriate, the agreed action will take into account whether there are any reasonable adjustments that can be put in place, or whether the limits of reasonableness have been reached at that time (in accordance with the *Equality Act 2010*). The plan will have an agreed review date and the consequences of not adhering to the Action Plan will be made clear.
- If the agreed recommended action is an interruption/suspension of training, the NML SCITT Director will inform the school in writing and will follow up the process below to suspend the trainee. Normally, no trainee shall be suspended unless s/he has been given the opportunity to make representations to the NML SCITT Director in writing or in person.
- Interruption/suspension of training will only be recommended in the most serious of cases and when all avenues of support have been exhausted, or the trainee has not engaged with the support. The interruption/suspension is intended to give the trainee time away from training to address health and wellbeing issues, in order wherever possible to return to the training. Written reasons for the suspension will be recorded.

## Review of/end of interruption/suspension

- Any decision to suspend will be reviewed within 15 working days. Such a review will not be a hearing but the trainee either personally or through a representative will be entitled to submit written representations.
- The NML SCITT Director will conduct the review and, where appropriate, will include the NML SCITT Course Leader, the Hub Lead Teacher, and representatives of the school.
- Where a trainee returns to training after a break, the NML SCITT will consider any support that the trainee may require to support a return, such as regular review meetings or a return to the action plan. The general expectation is that the trainee will take personal responsibility for fully engaging with this support.
- The decision to approve a trainee to return to training will be taken by the NML SCITT Director and will be communicated in writing to the trainee prior to their return, and any requirements and special arrangements will be made clear. The NML SCITT will determine the ongoing arrangements to support and review the progress of the trainee to minimise risk of a recurrence of the original difficulties.
- The NML SCITT Director has a duty of care, to both the trainee and the school, not to compromise the health and safety of the trainee, pupils/students and colleagues. Any decisions to support a lifting of the suspension and a return to training will only be taken after full consideration of all the facts and evidence and medical advice where necessary.

## Appeals

- A trainee may request a review of the NML SCITT Director's decision reached at Stage 3. Trainees should note that a request for review of a decision will only be accepted if there is evidence of the following:
  - a) The correct procedure has not been followed.
  - b) Further material circumstances which could not reasonably have been expected to have been submitted for consideration by the NML SCITT Director.



- Trainees should request a review by the Appeals Committee by submitting a written statement detailing the grounds for request within 10 working days of being notified of a decision at Stage 3.
- The Appeals Committee set out in the **Complaints Procedure** will meet to consider any appeal representations and determine whether there is a case for consideration, or whether to dismiss the request and inform the trainee.

The NML SCITT will make every effort to allow the trainee to return to continue with their training, within the limits set by the appropriate Regulations. This may include repeating periods of training. The ability to repeat training will depend upon the feasibility and reasonableness of such a proposal, and will be decided on a case-by-case basis.

### Completion of Appeals Procedures

At the conclusion of our procedures, a trainee will be offered a **Completion of Procedures letter** signifying the end of the **NML SCITT internal Appeals Procedure**. A **Completion of Procedures letter** is required should the trainee wish to advance a complaint with the Office of the Independent Adjudicator regarding their appeal. The NML SCITT will usually only issue a **Completion of Procedures letter** once our appeals procedure has concluded and a final decision has been provided to the trainee.

### Publishing policy

This policy is available through the SCITT website and our NML SCITT Intranet. A copy can also be request via our NML SCITT office.

Trainees who have exhausted the NML SCITT's internal procedures regarding fitness to study may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at [www.oiahe.org.uk](http://www.oiahe.org.uk)) contains full information, and the OIAHE can be contacted at: OIA, Second Floor, Abbey Gate, 57 – 75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813 email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.