



TITLE: FITNESS TO CONTINUE IN STUDY POLICY

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Approved By	Academic Council	Date Approved	06 March 2019
		Review Date	06 March 2022 <i>or as required</i>
Superseded or Obsolete Policy / Procedure(s)		Owner	
		Office of the Registrar	

1. Purpose of Policy¹

Carlow College, St. Patrick's (hereafter Carlow College) is committed to broadening access to education and to ensuring that learners of all backgrounds, identities and abilities are enabled and encouraged to enter, successfully participate in and complete higher education. The College recognises its responsibility to support learners to complete their studies. For the vast majority of learners, progression to completion of their studies is uneventful with little or no need for additional support. This is not always the case however. In certain circumstances there is a need for a formalised coordinated response to support a learner in distress. Occasionally, even with additional support, the behaviour, welfare or wellbeing of an individual learner is such that it makes continuation in study difficult or impossible and / or their continuation in studies is likely to interfere with the learning, working or living experiences of others in the College community to such an extent as to be deemed unreasonable and unsustainable.

This Policy, and its associated documents, is expressly intended to be supportive of individual learners who may be in distress or difficulty whilst also recognising the right of the wider College community to study, work and live free of undue duress / distress caused by others. In matters relating to a learner's fitness to continue in study, Carlow College is guided by relevant legislation as may be amended from time to time. In this regard, the College remains particularly mindful of its obligations under the *Equal Status Acts 2000 - 2015*.

¹ This Policy used the following policies as national and international benchmarks: *Policy and Procedures to Support and Determine a Student's Fitness to Continue in Study* (University College Cork); *Policy and Procedures to Support and Determine a Student's Fitness to Continue in Study* (Dublin City University); and *Fitness to Continue in Study Policy and Procedures* (University College Dublin).

There are established policies and procedures in place in Carlow College to deal with learners who are not achieving academically or whose behaviour breaches the Carlow College *Learner Code of Conduct and Disciplinary Policy*.

This Policy, and its associated documents, is intended for circumstances not covered by the College's existing academic regulations or the *Learner Code of Conduct and Disciplinary Policy*.

2. Definitions

Behaviour includes behaviour which is face-to-face as well as expressed in written or on-line communications in print or via social media, text messaging or by other electronic means.

3. Scope of Policy

All registered learners of Carlow College shall be subject to this Policy. Learners subject to this Policy shall also include any learner visiting Carlow College for a period of study or research under the Study Abroad programme, or other similar programme involving placement in Carlow College of a learner from another domestic or international university or institution. By registering at the College, or attending under a placement agreement, all learners are automatically subject to this Policy and to all other relevant College policies. Carlow College learners who are visiting another university or institution for a period of study or research shall be subject to the host institution's rules, policies and procedures for the period of their visit. Carlow College will endeavour to support its learners whilst registered at another institution as part of their Carlow College programme, in association with the host institution, where possible and practicable.

Carlow College ensures that personal data arising from fitness to continue in study concerns is treated with great sensitivity. The personal data is subject to data protection standards relating to storage, access, dissemination and disposal. A number of College staff are required to have access to information under this Policy in order to permit them to undertake their duties and discuss matters. This is not taken as a breach of confidentiality but will be taken as being necessary in order for the College to support learners in line with this Policy. Learners will be asked for consent for the processing of their personal data where deemed necessary.

4. Policy Statement

This Policy is in place to:

- identify and support learners
 - whose behaviour, well-being or welfare are of concern to themselves, or others;
- OR**
- whose behaviour or actions, are impacting adversely on the learning, working or living experiences of others;
- OR**
- to such an extent as to give rise to concerns as to their fitness to continue in study;

AND

- to provide supportive formal procedures to:
 - enable learners to withdraw / defer voluntarily on grounds of fitness;

OR

- determine if and how a learner is to be required to withdraw / defer on grounds of fitness.

4.1 Examples of Circumstances of Concern as to a Learner's Fitness to Continue in Study

There is a strong tradition of support for learners in Carlow College. Many learners facing difficult and distressing circumstances will overcome adversity and develop and grow from these experiences with the help and support provided by friends, family, academic staff, and the administrative and professional support services in the College. It is very much in the interests of learners and the College that this tradition of support continues. This Policy is intended to build on that tradition, and to enhance it, by identifying steps to be taken when it is considered that the circumstances are such as to be unlikely to be resolved through the use of existing supports. The following list shows examples of such circumstances where there may be concern as to a learner's support needs and fitness to continue in study. The list is not exhaustive, and each circumstance should be considered on its own merits.

- The learner recognises that there is an issue of concern and discloses this to a member of the College staff.
- Third party reports of concern are disclosed. For example, the third parties may include but are not limited to family members, classmates, flatmates, learner support services staff, lecturers or other College staff, or work or research placement supervisors. The concerns may be around a learner's:
 - wellbeing appearance, social-withdrawal, mood, physical health or welfare;
 - unexplained deterioration in academic performance;
 - behaviour which is very unusual;
 - behaviour putting themselves or anyone else clearly at risk;
 - behaviour which is significantly distressing to others;
 - behaviour which is impacting significantly on the learning, working or living experience of others.

Carlow College should not and does not monitor the social media accounts of learners. However, that does not preclude such accounts being brought to the attention of the College.²

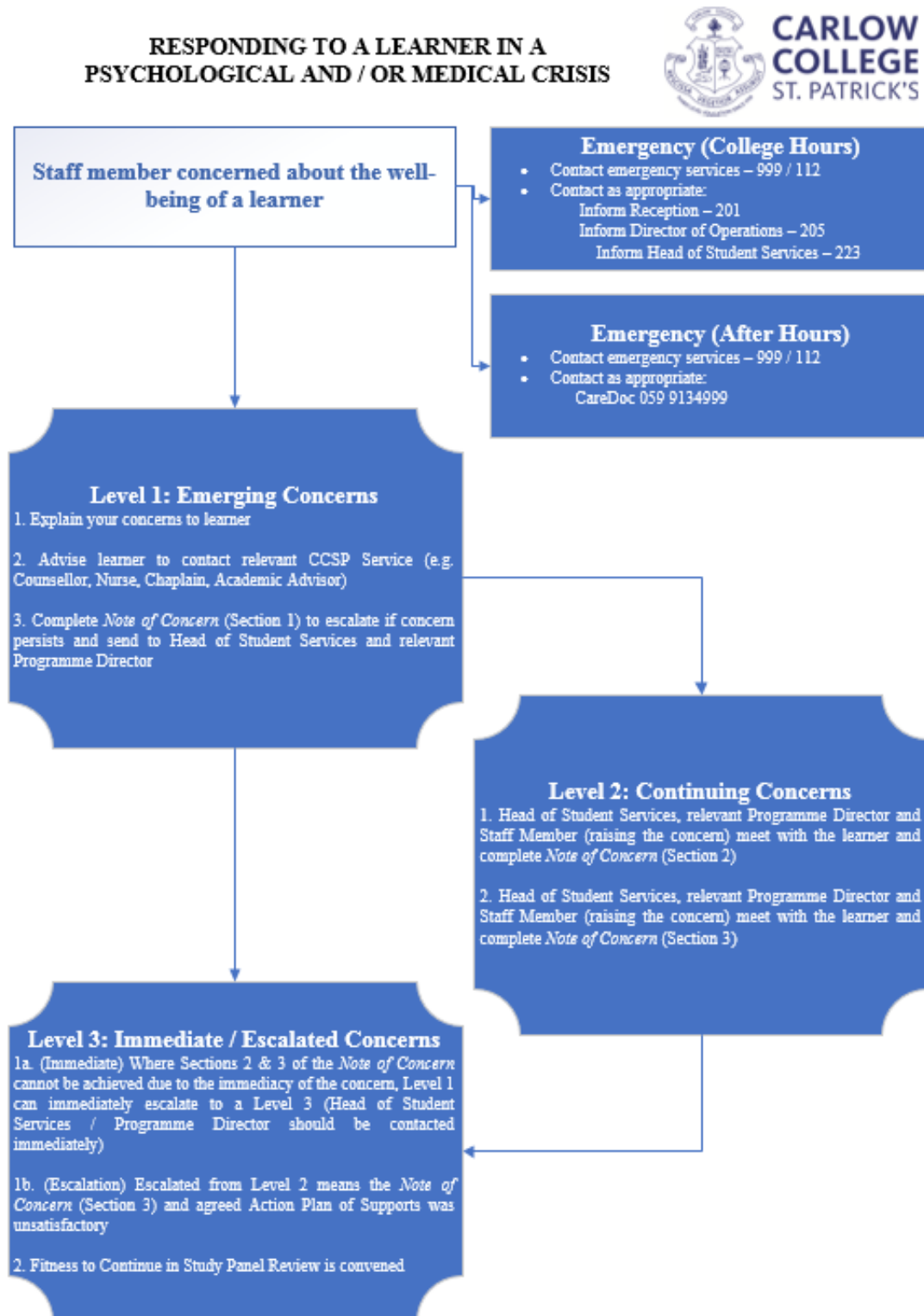
4.2 Recognition of Difference – Embracing and Supporting Diversity

The College recognises and celebrates the rights of individuals to be different and embraces and supports diversity. The lived-experiences of one person are often very different to those of another. The customs and practices of the many diverse ethnic groups in our increasingly international College community may vary and require a degree of mutual understanding and mutual respect. It is important that these differences be recognised and accepted, within the boundaries of the law of the land. Occasionally, what may be at first sight be interpreted as unusual behaviour, subsequently can be better understood and accepted in the spirit of tolerating difference and accepting diversity.

² For further information, please refer to the College's *Social Networking & Social Media Policy for Students* (forthcoming).

4.3 Actions to be Considered in Supporting Learners in Distress

This Policy is intended to help learners who may be distressed. For information on the correct course of action to take staff members should refer to the flowchart below. The appropriate course of action to be undertaken will often depend on the urgency of the situation. The course of action may also need to be reviewed if the situation alters.



4.4 Levels of Response of Fitness to Continue in Study Procedures

As per section 4.1 above, in varying circumstances concerns may be noted as to a learner's support needs or their fitness to continue in study. If these concerns are to become subject to this *Fitness to Continue in Study Policy*, then a note of concern must be raised by the individual concerned and forwarded to the Programme Director and Head of Student Services.

The seriousness of each circumstance and relevant response required will determine whether or not any of the levels 1, 2 or 3 responses are to be invoked. The procedures to be followed for Level 1, 2 or 3 responses are set out as follows:

Level 1 Response of Fitness to Continue in Study Procedures (Emerging Concerns)

The Level 1 Response of this Policy is intended for circumstances where there are emerging concerns about a learner. The particular circumstances can vary, as described under the section 3.1 above. A Level 1 response will usually (though not necessarily always) be preceded by low level support, informal signposting and / or advice given to the learner by College's academic or support staff.

In the event that the concerns persist, the person concerned should complete Section 1 of the 'Note of Concern' and forward to the Head of Student Services and relevant Programme Director (see Appendix 1).

Level 2 Response of Fitness to Continue in Study Procedures (Continuing Concerns)

The Level 2 of this Policy is intended for circumstances where there are continuing and on-going concerns persisting and unresolved from a Level 1 'Note of Concern'.

The Programme Director, the Head of Student Services and the staff member raising the concern will consult and invoke Level 2 as follows:

1. Continue the 'Note of Concern' from Level 1 (see Appendix 1).
2. Notify the learner in writing of the nature of the concerns expressed.
3. Arrange a meeting with all parties to complete Section 2 of the 'Note of Concern':
 - (a) consider the nature of the concerns;
 - (b) develop an agreed plan of action to support the learner;
 - (c) arrange to monitor the effectiveness of the plan in resolving the issue of concern; and
 - (d) arrange formal follow-up.
4. Conduct a follow up meeting with all parties and complete Section 3 of the 'Note of Concern'.
5. Proceed to:
 - (a) Close the 'Note of Concern' if no further action is deemed necessary following step 3 above and forward to the Office of the Registrar for record keeping.

OR

- (b) Escalate and request that a Level 3 Response be invoked because of concerns that the learner's fitness to continue in study needs to be formally considered and determined.

Level 3 Response of Fitness to Continue in Study Procedures

The Level 3 Response of this Policy is intended for circumstances where there are concerns that immediate consideration and determination of a learner's fitness to continue in study is required. It may be invoked immediately following either a Level 1 or Level 2 response, or it may be invoked directly with no preceding Level 1 or 2 response, due to the seriousness of concern for the health, wellbeing or welfare of the individual concerned, or for the impact the learner's distress or behaviour is having on others.

The Programme Director, the Head of Student Services and the staff member raising the concern will consult and invoke Level 3 of these Procedures as follows:

- If immediate concern where Section 2 and 3 of the 'Note of Concern cannot be achieved due to the immediacy of the concern, Level 1 can immediately escalate to a Level 3. Head of Student Services and Programme Director should be contacted immediately.

OR

- In the case of an escalated concern from Level 2, means that the 'Note of Concern' Section 3 (see Appendix 1) and agreed action plan of supports was not achieved:
 1. Arrange a Fitness to Continue in Study Panel Review (see Appendix 2) so that the panel considers the concerns expressed about the learner. The outcomes possible from this review are:
 - (a) The Office of the Registrar requires the learner to withdraw/defer from study for an agreed period;

OR

 - (b) The learner is fit to continue in study subject to an action plan (as per level 2 Response).
 2. Close the 'Note of Concern' if no further action is deemed necessary following step 3 above and forward a copy to the Office of the Registrar for record keeping.

4.5 Temporary Suspension on Grounds of Concern for Fitness to Continue in Study

The behaviour and actions of a learner may be a cause of concern for the safety of the learner and / or the safety of others, prompting consideration of the need to exclude the learner from the College temporarily, pending further investigation and / or management of the situation. Where it appears, in the opinion of Vice-President for Academic Affairs and Registrar, that there are such grounds for concerns, then they, having sought such advice as they deem appropriate, shall be entitled to suspend a learner on the basis that suspension is temporary and necessary to protect the College community (see Appendix 3).

4.6 Emergency Situations

The safety of individuals is paramount. Occasionally, the behaviour or actions of a learner can put themselves or others in proximate danger. It is important that appropriate, timely actions are taken in response. In urgent / emergency situations these actions may need to be taken

before there is time to invoke this Policy. The fact that the College may invoke other policies shall not prejudice its right to invoke this Policy.

REMEMBER: If there is an immediate concern for the safety of any person outside of office hours this should be reported to the Emergency Services on 999 or 112.

4.7 Referral to Healthcare Professional

A learner may be advised or referred at any stage of this Policy to meet with a relevant healthcare professional in accordance with the procedures outlined in 4.4 above. If at level 2 or 3 the College believes it needs documentation to certify that a learner is fit to continue in study, the College may refer the learner to a relevant healthcare professional and request that a certificate is returned to the College. Normally the return of documentation will be with the learner's consent but in cases where the healthcare professional believes that there is immediate risk to the learner or another party, information may be returned to the College without the learner's consent. Failure to attend or a failure to co-operate with any such practitioner shall be deemed to be a failure to co-operate with the College's procedures.

4.8 Return to Study Following a Period of Withdrawal

A learner who withdraws / defers voluntarily or is required to withdraw / defer on grounds of fitness, shall be entitled to apply to re-register to re-commence their studies at the end of the agreed period of absence. In such circumstances, the conditions of return to study will be determined by the relevant Programme Director, subject to the rules and regulations governing the relevant Programme and, in consultation with the Head of Student Services and the Office of the Registrar. If the module or course is not running at the time, the Programme Director will provide guidance about the recommencement of the module / programme, or alternative modules (see Appendix 5: Return to Study Procedures).

4.9 Record Keeping, Data Protection and Confidentiality

It is good practice for staff to keep brief notes of any interactions with learners where there has been guidance or decisions in relation to personal issues, and to inform the learner that you are making a record of the encounter. This should apply in particular for learners whose behaviour is causing concern.

The record should be dated and written as soon as possible after the interaction with the learner. It should state the nature of the interaction and any action taken or advice given.

Once a Level 1, 2 or 3 Response of these procedures have been invoked, a Note of Concern (Appendix 1) must be completed as per the procedures set out in the flowchart (see above, p. 4). All records, once completed, are kept confidential and retained in the Office of the Registrar only. Records will be retained in accordance with the College's Record Retention Schedule.

4.10 Right of Appeal

A learner has the right to appeal the decision of the Office of the Registrar to require the learner to withdraw / defer study for an agreed period, as the outcome reached following a Fitness to Continue in Study Panel Review (see Appendix 4).

4.11 Appointment of Proxy

If an office holder post is vacant at the time that this policy is being invoked, then the Office of the Registrar shall appoint a person to carry out the designated functions under this Policy. Furthermore, where power or authority or functions are to be performed by a particular office holder of a post referred to in this policy such power or authority may be exercised by a person

acting or deputising in such a role from time to time. Where this Policy contains reference to a particular office holder as described in this Policy and where the name or title of such office or post is changed then for the purpose of exercising the powers or functions any reference to the old name shall be deemed reference to the new name.

5. Roles and Responsibilities

5.1 The Office of the Registrar

The Office of the Registrar will have overall responsibility for the management of this Policy. The Office of the Registrar has overall responsibility for decisions related to Fitness to Continue in Study concerns and the appropriate procedure to be utilised.

5.2 Head of Student Services

The Head of Student Services will work the Programme Director and relevant appropriate parties concerned to address Fitness to Continue in Study concerns and endeavour to have them resolved swiftly at an appropriate level.

5.3 Programme Director

The Programme Director will work with the Head of Student Services and relevant appropriate staff to address Fitness to Continue in Study concerns and endeavour to have them resolved swiftly at an appropriate level.

5.4 Fitness to Continue in Study Panel

Where there is a continuing on-going concern or where there are concerns that require immediate consideration and determination of a learner's Fitness to Continue in Study, a Fitness to Continue in Study Review Panel will be appointed by the Office of the Registrar as and when required.

The Fitness to Continue in Study Panel may consist of:

- Assistant Registrar;
- an external person with expertise in the learner's chosen practice area;
- a staff member of the College from the learner's programme;
- a staff member of the College from a programme other than the programme concerned; and
- Placement Co-ordinator from the learner's programme.

A member of the College's administrative staff will attend meetings of the Fitness to Continue in Study Panel for the purpose of taking notes and recording decisions made. This person is not a member of the Panel and will not be involved in the decision-making process.

6. Associated Documentation

- Appendix 1: Note of Concern
- Appendix 2: Level 3 Response: Fitness to Continue in Study Panel Review
- Appendix 3: Temporary Suspension Procedure
- Appendix 4: Appeals Procedure

- Appendix 5: Return to Study Procedures

7. Referenced Policies

- *Learner Code of Conduct and Disciplinary Policy*
- *Records Management Policy*

8. Monitoring and Review

The Policy shall be monitored annually by the Office of the Registrar and reviewed formally every three years.